A

COLLECTION

OF

# STATUTES

That Relate to the

# OFFICE

OF

# Justices of the Peace,

*Deputy-Lieutenants,*

AND

# Commissioners of Sewers,

UNTO

The End of this present Session

OF

# PARLIAMENT.

A

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# C Articles

## *Articles of War.*

NO Man shall presume so far, as to raise or cause any Mutiny or Sedition in the Army upon Pain of Death: And if any Number of Soldiers shall presume to assemble, to take Council amongst themselves for the Demanding of their Pay, or shall at any Time demand their Pay in a Mutinous manner any Inferior Officers being Accessary thereunto, shall suffer Death for it, as the Heads and Ringleaders of such Mutinous and Seditious Meetings, and the Soldiers shall be punished with Death. And if any Captain, being privy thereto, shall not suppress them, or complain of it, he shall likewise be punished with Death.

V.

All Officers or Soldiers that shall Desert, either in the Field, upon a March, in Quarters, or in Garrison, shall die for it,

And all Soldiers shall be reputed and suffer as Deserters, who shall be found a Mile from their Garrison or Camp, without Leave from the Officer Commanding in Chief.

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## The *Quakers* Abjuration.

I *A. B.* do solemnly and sincerely, and truly acknowledge, testify and declare, That King *George* is Lawful and Rightful King of this Realm, and all other his Dominions and Countries thereunto belonging. And I do solemnly and sincerely declare, That I do believe the Person pretended to be the Prince of *Wales*, during the Life of the late King *James*, and since

ſince his Deceaſe pretending to be, and taking upon himſelf the Stile and Title of King of *England*, by the Name of *James* the Third, or of *Scotland*, by the Name of *James* the Eighth, or the Stile and Title of King of *Great Britain*, hath not any Right or Title whatſoever to the Crown of this Realm, nor any other the Dominions thereunto belonging; and I do renounce and refuſe any Allegiance or Obedience to him: And I do ſolemnly promiſe, That I will be True and Faithful, and bear True Allegiance to King GEORGE, and to him will be Faithful againſt all *Traiterous Conſpiracies* and *Attempts* whatſoever, which ſhall be made againſt his Perſon, Crown, or Dignity: And I will do my beſt Endeavour to diſcloſe and make known to King GEORGE, and his Succeſſors, all Treaſons, and Traiterous Conſpiracies, which I ſhall know to be againſt Him, or any of them.

And I will be True and Faithful to the Succeſſion of the Crown againſt him the ſaid *James*, and all other Perſons whatſoever, as the ſame is, and ſtands ſettled by an Act, Intituled, *An Act declaring the Rights and Liberties of the Subject, and ſettling the Succeſſion of the Crown to the late Queen* Ann, *and the Heirs of her Body being Proteſtants*: And as the ſame by One other Act, Intituled, *An Act for the further Limitation of the Crown, and better ſecuring the Rights and Liberties of the Subject, is and ſtands ſettled and Intailed after the Deceaſe of the ſaid Queen* Ann; *and for Default of Iſſue of the ſaid Queen, to the late Princeſs Sophia, Electoreſs and Dutcheſs Dowager of* Hanover, *and the Heirs of her Body being Proteſtants*:

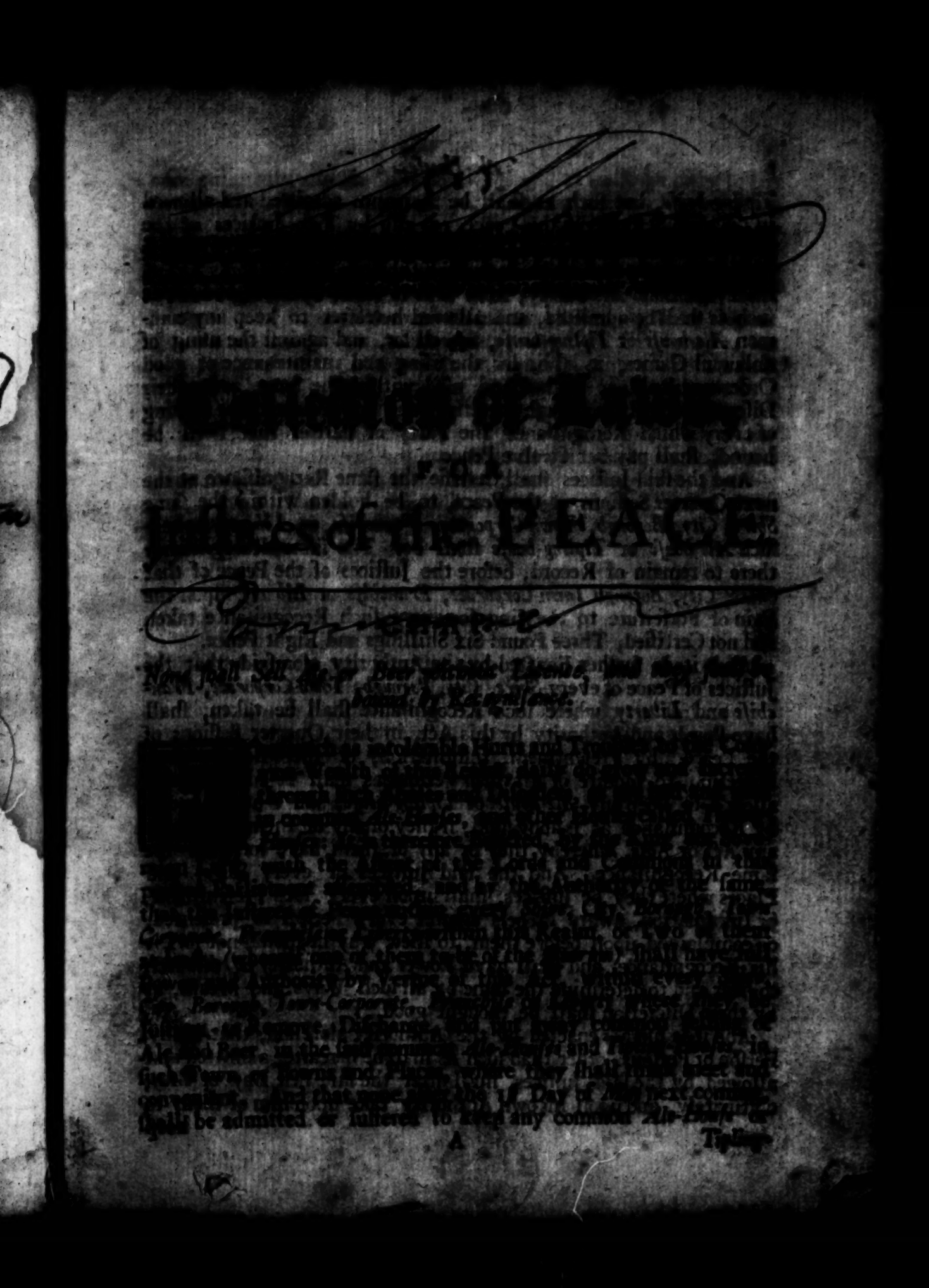
And all theſe Things I do plainly and ſincerely acknowledge, promiſe and declare, according to theſe expreſs Words by me ſpoken, and according to the plain and common Senſe

and

and Understanding of the same Words, without any Equivocation, Mental Evasion, or secret Reservation whatsoever: And I do make this Recognition, Acknowledgment, Renunciation and Promise, heartily, willingly and truly.

Thomas Wallis
Justices of the peace
The quaker affirmation
The Quakers Affirmation
penitentiary house.

Thomas Wallis
Committed & discharged
Walpholam house
1897 December
Saturday



*Tipling-houſe*, but ſuch as ſhall be thereunto admitted and allowed
[illegible] Peace, or elſe by Two Juſtices of the
[illegible] Sellions of the Peace, [illegible]
[illegible] ſuch Perſon ſhall be admitted, and allowed hereafter to keep any com-
mon *Ale-houſe* or *Tipling-houſe*, as well for, and againſt the uſing of
unlawful Games, as alſo, for the uſing and maintenance of good
Order and Rule, ſo be had and uſed within the ſame, and their
Diet and Lodging [illegible] of every which Recognizance, the Party or Parties that ſhall be
bound, ſhall pay but Twelve Pence.

And the ſaid Juſtices ſhall Certifie the ſame Recogniſance at the next Quarter Seſſions of the Peace, to be holden within the ſame [illegible] City, *Borough Town-Corporate*, *Franchiſe* or *Liberty*, where ſuch *Ale-houſe* or *Tipling-houſe* ſhall be, [illegible] there to remain of Record, before the Juſtices of the Peace of that [illegible], City, *Borough Town-Corporate*, *Franchiſe* or *Liberty*, upon the Pain of Forfeiture to the King for every ſuch Recogniſance taken and not Certified, Three Pound Six Shillings and Eight Pence.

And it is further Enacted by the Authority aforeſaid, that the Juſtices of Peace of every [illegible] City, *Borough*, *Town-Corporate*, *Franchiſe* and *Liberty*, where ſuch Recogniſance ſhall be taken, ſhall have Power and Authority by this Act, in their Quarter Seſſions of [illegible] by Recognizance, [illegible] ſhall be [illegible] or *Tipling-houſe*, and what [illegible] if the Party of them [illegible] or any of them, have forfeited [illegible] the ſaid Juſtices of every Shire, [illegible] Recognizance, [illegible] ſhall upon every ſuch Preſentment, [illegible] where they [illegible] every ſuch Perſon ſo preſented, [illegible] them to ſhew why he ſhould not forfeit [illegible] upon [illegible] Power and Authority by this Act, [illegible] all ſuch Ways and Means, as [illegible] good [illegible] aforeſaid, that every [illegible] ſhall be hereafter admitted and [illegible] the ſaid firſt Day of *May*, [illegible] upon him or them to keep

keep a common *Ale-Houſe* or *Victualling Houſe*, or ſhall contrary to the Commandment of the ſaid Juſtices, or Two of them, uſe common Selling of *Ale* and *Beer*; that then the ſaid Juſtices of Peace, or two of them (whereof one to be of the Quorum) ſhall for every ſuch Offence, commit every ſuch Perſon or Perſons ſo offending to the common Gaol within the ſaid *Shire*, *City*, *Borough*, *Town-Corporate*, *Franchiſe* or *Liberty*, there to remain without Bail or Mainprize, by the ſpace of three Days. And before his or their Deliverance, the ſaid Juſtices ſhall take Recognizſance of him or them ſo committed, with two Sureties, that he or they ſhall not keep any common *Ale-Houſe*, *Victualling Houſe*, or uſe commonly ſelling of *Ale* or *Beer*, as by the Diſcretion of the ſaid Juſtices ſhall be ſeen convenient.

And the ſaid Juſtices ſhall make Certificate of every ſuch Recognizſance, and Offence, at the next Quarter Seſſions that ſhall be holden within the ſame *Shire*, *City*, *Borough*, *Town-Corporate*, *Franchiſe* or *Liberty*, where the ſame ſhall be committed or done, which Certificate ſhall be ſufficient Conviction in the Law of the ſaid Offence. And the ſaid Juſtices of Peace upon the ſaid Certificate made, ſhall in open Seſſions aſſeſs the Fine for every ſuch Offence, at twenty ſhillings.

Provided alway, that in ſuch Towns and Places where any Fairs ſhall be kept, that for the time only of the ſame Fair or Fairs it ſhall be lawful for every Perſon and Perſons, to the ſame Fairs of *Ale* or *Beer* in Booths or other Places there, for the Eaſe of the King's Subjects that ſhall reſort to the ſame, in ſuch manner and ſort as hath been uſed and done in time paſted. This Act or any thing therein contrary notwithſtanding. 1 Jac. 9. 4. Jac. 5. 14. 21. Jac. 7. Car. 8. [*Now ſtands as 5 and 6 Edw. 6. ſect. 4.*]

## CHAP. II.

### *Several Penalties of Ale-Houſes, for their ſeveral Offences.*

WHereas the ancient, true, and principal Uſe of Inns, *Ale-Houſes*, and *Victualling-Houſes*, was for the Reſort, Reſt and Dealings of way-faring People travelling from Place to Place, and for ſuch Supply of the Wants of ſuch Peoples as are not able by greater Quantities to make their Proviſion of Victuals, and not meant for Entertainment

and harbouring of lewd and idle People to ſpend and conſume their Money and their Time in lewd and drunken manner:

Be it therefore enacted by the King's moſt excellent Majeſty, the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, that if after Forty Days next enſuing after the End of this preſent Seſſion of Parliament, any *Inn-keeper*, *Victualler* or *Ale-houſe-keeper* within this Realm of *England*, or the Dominions of *Wales*, do permit or ſuffer any Perſon or Perſons inhabiting and dwelling in any City, *Town-Corporate*, *Market-Town*, *Village* or *Hamlet* within this Realm of *England*, or Dominions of *Wales*, where any ſuch *Inn*, *Ale-houſe* or *Tipling-houſe* is or ſhall be, to remain and continue drinking or tipling in the ſaid *Inn*, *Victualling-houſe*, *Tipling-houſe* or *Ale-houſe*, other than ſuch as ſhall be invited by any Traveller, and ſhall accompany him only during his neceſſary Abode there: And other than Labouring and Handicraftſmen, in *Cities* and *Towns-Corporate* and *Market-Towns*, upon the uſual working Days, for one Hour at Dinner Time, to take their Diet in an *Ale-houſe*: And other than Labourers and Workmen, which for the following of their Work by the Day, or by the Great, in any City, *Town-Corporate*, *Market-Town* or *Village*, ſhall for the Time of their ſaid continuing to Work there, ſojourn, lodge, or victual in any *Inn*, *Ale-houſe*, or *Victualling-houſe*, other than for urgent and neceſſary Occaſions, to be allowed by two Juſtices of Peace, That then every ſuch *Inn-holder*, *Victualler* or *Ale-houſe-keeper*, ſhall for every ſuch Offence forfeit and loſe the Sum of 10s. of current Money of *England*, to the Uſe of the Poor of the Pariſh where ſuch Offence ſhall be committed; the ſame Offence being viewed and ſeen by any Mayor, Bailiff, or Juſtice of Peace, within their ſeveral Limits, or proved by the Oath of two Witneſſes to be taken before any Mayor, Bailiff or any other Head-Officer, or any one or more Juſtice or Juſtices of the Peace, who by Vertue of this Act, ſhall be authoriſed to miniſter the ſaid Oath to any Perſon or Perſons that can or will juſtifie the ſame, being within the Limits of their ſaid Commiſſion.

And be it further enacted by the Authority aforeſaid, That if the Conſtables or Churchwardens do neglect their Duty in levying, or do not levy the ſaid Penalty, or in Default of Diſtreſs or Priſoner, from time to time, do neglect to certifie the ſame Default of Diſtreſs, by the ſpace of twenty Days then next enſuing, to the Mayor, Bailiff, other Head Officer, or Juſtice of Peace within whoſe Juriſdiction the Offence is committed: Then every Perſon or Perſons ſo offending,

offending, ſhall forfeit for every ſuch Default, the Sum of 40 *s.* of currant Money of *England*, to the Uſe of the Poor of the Pariſh where ſuch Offence ſhall be committed, to be levied by way of Diſtreſs of the Offenders Goods, by Warrant from any one or more Juſtice or Juſtices of the Peace, Mayor, Bailiff, or other Head Officer within the Limits of their Juriſdictions reſpectively, under his or their Hand and Seal, to be taken and detained for the ſaid Forfeitures, for the ſpace of Six Days then next enſuing, within which time if Payment be not made, the ſame Goods to be preſently Appriſed and Sold, and the ſurpluſage and remainder over and above (if any be) to be delivered to the Party of whom the Diſtreſs was taken: And for want of ſuch ſufficient Diſtreſs, the Conſtables, Church-Warden or Church-Wardens ſo offending, to be by the Mayor, Bailiff, or other head Officer, Juſtice or Juſtices of Peace, committed to the common Goal, there to remain until the ſaid Penalty or Penalties be truly paid: For all which Penalties, which ſo ſhall be levied by the ſaid Conſtables or Church-Wardens, they the ſaid Conſtables or Church-Wardens ſhall be accomptable to their Succeſſors, and other the Pariſhioners, in ſuch ſort as they uſually be in other Church Reckonings or Accompts. And for all Forfeitures to be levied by reaſon of any neglect of the Conſtables or Church-Wardens, thoſe ſhall be accountable, who by force of any Warrant or Precept do levy the ſame, or upon the Enlargement of Perſons committed, do receive the ſame.

And be it further enacted, that all the Laws and Statutes touching *Inn keepers*, *Victuallers*, and *Ale houſe-keepers*, ſhall ſtill remain in their former Force, and be put in due Execution.

Provided always, and be it Enacted by the Authority of this preſent Parliament, that the Correction and Puniſhment of ſuch as ſhall offend againſt this Act, or any part thereof, within either of the Univerſities of this Realm, or the Precincts or Liberties of the ſame, ſhall be done upon the Offenders, and Juſtice ſhall be miniſtred in this behalf, according to the intent and true meaning of this Law, by the Governours, Magiſtrates, Juſtices of the Peace, or other principal Officers of either of the ſame *Univerſities*, to whom in other Caſes the Adminiſtration of Juſtice, and Correction and Puniſhment of Offenders, by the Laws of this Realm, and their ſeveral Charters doth belong or appertain, and that no other within their Liberties for any matter concerning this Law, contrary to their ſeveral Charters do intermeddle, and that all Penalties and Sums of Money to be forfeited or loſt by Force of this Act, within either of the

*the Universities*, or the Liberties or Precincts of the same, shall be levied by the Officers or Ministers of either of the said *Universities*, to be from time to time in that behalf appointed by the Vice-Chancellors thereof for the time being respectively, and that all Powers and Authorities either of Imprisonment or otherwise, before given or appointed by this Act, shall by the Governours, Magistrates and principal Officers aforesaid of either of the said *Universities*, be duly executed and done within either of the said *Universities*, and the Liberties and Precincts of the same, according to the true intent and meaning of this Act, 21. *Jac.* 1. *made perpetual*, [*Anno primo Jacobi Regis.*]

## CHAP. III.

### *In what Case only Ale or Beer may be Sold to an Alehouse-Keeper, having no Licence.*

FOR the better Repressing of *Alehouses*, wherein the Multitudes and Abuses have been and are found intolerable, and still do and are like to encrease; be it Enacted by the Kings most Excellent Majesty, and the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, That no Person or Persons, by himself, or by any other ways or means, directly or indirectly, shall at any time after Three Months next after the end of this present Session of Parliament, sell, utter or deliver, or cause to be sold, uttered or delivered any Beer or *Ale*, to any Person or Persons, or into the House or Cellar of any Person or Persons, that then shall sell or utter Beer or *Ale*, as a common *Tipler* or *Alehouse-Keeper*, the same Person not having any Licence then in force to sell *Ale* or *Beer*, other than for the convenient Use and Expence of his, hers, or their Household only, upon pain to Forfeit for every such Barrel sold, uttered or delivered contrary to the form and true meaning of this Act, the Sum of Six Shillings Eight pence, and so after that Rate, for a greater or lesser Quantity.

And be it further Enacted by the Authority aforesaid, That all Offences to be done or committed contrary to the true meaning of this Act, and all Penalties aforesaid, shall be enquired of, further, heard and determined in the Sessions of the Peace for the *County*, *City*,

*City*, or *Borough*, *Town or Liberty*, or in the Court of Record of the *City*, *Borough*, *Town or Liberty*, wherein such Offence shall be committed, by Action of Debt, Information, Indictment or Presentment, wherein no Essoyne, Protection or Wager of Law shall be allowed to the Defendant: And the one Half of all such Forfeitures shall be to the Use of the *Poor People* inhabiting within the *City*, *Borough*, *Hundred*, *Town or Liberty*, where such Offence shall be committed from time to time, and the other half thereof to him or them that will sue for the same.

And to the end that the said one half of the said Forfeitures above limited to be to the Use of the said *Poor People*, may be truly employed and bestowed upon them, according to the true meaning of this Act; be it further Enacted, that the Sheriffs, Bailiff, or other Officer or Person that shall levy or receive any Sum or Sums of Money forfeited and recovered according to the true meaning of this Act, shall and may by Vertue of this Act, without further Warrant, deliver the one half of the same Sums and Sums of Money, by him or them so levied or received, to some one or more of the Church-Wardens and Overseers of the Poor of the same Parish where the same Offence shall be committed, to be by them, and every of them distributed and bestowed amongst the said *Poor People*, according to the true meaning of this Act, who shall likewise have Authority by Vertue of this Act to distribute and bestow the same accordingly.

And be it further Enacted, That every Sheriff, Bailiff, and other Officer and Person which shall levy or receive any such Forfeiture or Forfeitures aforesaid, and shall pay over the Moity and one Half thereof, according to the true meaning of this Act, shall be thereof discharged against the Kings Majesty, his Heirs and Successors.

And be it further Enacted, That if any Sheriff, Bailiff, or other Officer or Person shall refuse to pay over the Moity, and one half of the said Money by him or them levied or received, or that the said Church-Wardens and Overseers, to whom the said Money shall be so paid, shall not from time to time within convenient time truly distribute and bestow the same to and amongst the *Poor People*, according to the true meaning of this Act, That then every Person so offending shall Forfeit double the Value thereof, to be recovered and employed as aforesaid. [*Anno quarto Jacobi Regis*]

CHAP.

## CHAP. IV.

### The Penalty of a Drunkard, and of him that continueth Drinking in an Ale Houſe.

Whereas the loathſome and odious Sin of *Drunkenneſs*, is of late grown into common uſe within this Realm, being the Root and Foundation of many other enormous Sins, as *Bloodſhed*, *Stabbing*, *Murder*, *Swearing*, *Fornication*, *Adultery*, and ſuch like, to the great Diſhonour of God and of our Nation, the overthrowing of many good Arts and Manual Trades, the Diſabling of divers Workmen, and the general impoveriſhing of many good Subjects, *abuſing the good Creatures of God*.

Be it therefore Enacted by the Kings moſt Excellent Majeſty, the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and every Perſon or Perſons, which after Forty Days next following the end of this preſent Seſſions of Parliament, ſhall be Drunk, and of the ſame Offence of Drunkenneſs ſhall be lawfully convicted, ſhall for every ſuch Offence, Forfeit and loſe Five Shillings of lawful Money of *England*, to be paid within one Week next after his, her or their Conviction thereof, to the Hands of the Church-Warden of that Pariſh where the Offence ſhall be committed, who ſhall be accountable thereof to the Uſe of the Poor of the ſame Pariſh. And if the ſaid Perſon or Perſons ſo convicted, ſhall refuſe or neglect to pay the ſaid Forfeiture as aforeſaid, then the ſame ſhall be from time to time levied upon the Goods of every ſuch Perſon or Perſons, ſo refuſing or neglecting to pay the ſame, by Warrant or Precept from the ſame Court, Judge or Juſtices, before whom the ſame Conviction ſhall be. And if the Offender or Offenders be not able to pay the ſaid ſum of Five Shillings, then the Offender or Offenders, ſhall be committed to the Stocks for every Offence, there to remain the ſpace of Six Hours.

And be it *Enacted* by the Authority aforeſaid, That if any Conſtable, or any other inferior Officer of that Pariſh or Place where the Offence ſhall be committed, to whom that ſhall be given in charge by the Precept of any Mayor, Bailiff, other head Officer, or Juſtices of the Peace within their ſeveral Limits, do neglect

the

the due Correction of the ſaid Offender, or the due levying of the ſaid Penalties, where Diſtreſs may be had, Then every Perſon ſo offending, ſhall forfeit the Sum of Ten Shillings of current Money of *England*, to the Uſe of the Poor of the ſame Pariſh or Place where the Offence ſhall be committed, to be levyed by way of Diſtreſs by any other Perſon or Perſons having Warrant from any Mayor, Bailiff, or other head Officer, Juſtices of Peace, or Court where any ſuch Conviction ſhall be, and to be paid to the Churchwardens as before limited, who are alſo to accompt for the ſame to the Uſe aforeſaid.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons within this Realm of *England*, or the Dominion of *Wales*, ſhall remain or continue drinking or tipling in any Inn, *Victualling-houſe* or *Ale-houſe*, being in the ſame City, Town, Village, or Hamlet, wherein the ſaid Perſon or Perſons (ſo remaining drinking or tipling) doth dwell and inhabit at the Time of ſuch drinking and tipling; and the ſame being viewed and ſeen by any Mayor, or other head Officer, Juſtice or Juſtices of Peace within their ſeveral Limits, or duly proved in ſuch manner and form as is limited in and by one Act of Parliament, made in the firſt Seſſion of this preſent Parliament, Intituled, *An Act to reſtrain the Inordinate haunting and tipling in* Inns, Ale-houſes, *and other* Victualling-houſes, *unleſs it be in ſuch Caſe or Caſes as be tolerated or excepted in the ſaid Act*, That then every Perſon or Perſons ſo offending, ſhall forfeit and loſe for every ſuch Offence the Sum of Three Shillings and Fourpence, of current Money of *England*, to the Uſe of the Poor of the Pariſh, where the ſaid Offence ſhall be committed, to be levy'd by way of Diſtreſs, in ſuch Manner and Form as is before appointed by this Act, for the levying of the Penalty of Five Shillings for being drunk. And if it happen that any Offender or Offenders againſt the true Intent of this Clauſe or Branch, being thereof lawfully convicted, be not able to pay the ſaid Forfeiture or Forfeitures, Then it ſhall and may be lawful for any Mayor, Bailiff, or other head Officer, Juſtice or Juſtices of Peace, or Court, where any ſuch Conviction ſhall be, to puniſh the ſaid Offender or Offenders by ſetting him, her, or them in the Stocks for every ſuch Offence, by the ſpace of Four Hours.

For the due Execution of this Statute, and for the better and more due Proceeding againſt ſuch Offenders, all Offences of *Drunkenneſs*, and of exceſs and unmeaſurable Drinking, be it further enacted by the Authority of this preſent Parliament, That all the Offences in

this Act, and in the said former Act mentioned, shall be from time to time diligently enquired of, and presented before the Justices of Assize in their Circuit, Justices of the Peace in their Quarter or Sessions, and before the Mayors, Bailifs, or other head Officers of every City or Town-Corporate, who have Power by vertue of Letters Patents, Usage, Prescription, or Charter, to hold Pleas of Felonies, Murders, Rapes, Burglaries, and such like Offences, and in every Court-Leet, and Turn-upon-Hue, that the Presenting shall be against the Offender and Offenders, for their first Conviction of the said Offences, as to such like Crimes, upon any Indictment or Presentment to be made by the Laws of the Realm, or Customs of the City, Town, or Place, where such Presentment or Indictment shall be required of them.

And that no Person convicted by the Authority aforesaid, Thus being Presented before being once lawfully convicted of the said Offences of Premunire, shall ever after be again lawfully convicted of the said Offences of Premunire. That then every Person and Persons so convicted of the said Offences of Premunire, shall be from thenceforth committed to the Custody of the Keeper of the Kings Prison, his Heirs and Successors, in the Manner as Offenders of Ten Pounds, with Condition, to be from thenceforth of good Behaviour, in such manner enacted by the Authority aforesaid. That all Commissaries, Archdeacons, Archbishops, Ordinaries, Chancellors, Officials, and all other Ecclesiastical Judges, and every of them, in their several Oaths, incident to their respective Offices, shall be charged in like sort to present the Offences, contrary to this Act.

Provided always, that this Act or any thing therein contained, shall not extend, or be taken to abridge or restrain the Ecclesiastical Power of Jurisdiction, but that all Archdeacons, and other Ecclesiastical Judges, shall and may proceed to enquire of, correct and punish all such Offenders, according to the Ecclesiastical Laws of this Realm, in such manner and form as before they lawfully might do: Any thing in this Act to the contrary notwithstanding.

Provided also, That when any of the Offenders against the true Intent of this Act, or any Branch or Article thereof, hath been once punished or corrected for his or her Offence, by any the Ways and Means before limited, That then the said Offender shall not be otherwise punished or corrected for the same Offence, by any other Power or Means.

Provided always, That this Act, or any thing therein contained, shall not be prejudicial to either of the Two Universities of this Land, but that the Governors, Masters and Scholars, and the Successors of them,

them, and either of them may & shall use and enjoy all their Juriſdictions, Rights, Privileges and Charters, as heretofore they have or might have done; Any thing in this Act to the contrary notwithſtanding.

Provided always, That no Perſon or Perſons ſhall be queſtioned, impeached, or moleſted for any Offence mention'd in this preſent, unleſs he ſhall be for the ſame Offence preſented, indicted, or convicted within ſix Months after ſuch Offence committed. [*Some quere Penal Laws.*]

## CHAP. V.

*The Remedy for an Offence committed againſt any of the Statutes of 1 Jac. 1. & 21 Jac. 1. touching Drunkenneſs and Drunkards.*

WHEREAS, notwithſtanding all former Laws and Statutes already made, the inordinate and exceſſive Drinking and *Drunkenneſs*, ſtill more and more abound, to the great Offence of Almighty God, and ſcandalous Diſhonour of Our Nation: Be it therefore enacted by the Authority of this preſent Parliament, That if any Perſon being an *Alehouſe-keeper* (after ſix Weeks next enſuing this preſent Seſſion of Parliament) ſhall be lawfully convicted for any Offence committed againſt any of the Statutes of the two former Acts of Parliament, made ſince the Beginning of this preſent Parliament, the one intituled, *An Act to reſtrain the exceſſive Drinking and ſelling of Beer, Alehouſe, and other Victualling Houſes*; the other intituled, *An Act againſt the odious and loathſome ſin of Drunkenneſs*, That then every ſuch ſo convicted Perſon ſo convicted, ſhall for the Space of three Years next enſuing the ſaid Conviction, be utterly diſabled to keep any ſuch *Alehouſe*.

## CHAP. VI.

*The Statutes of* 1. Jac. 9. *and* 4. Jac. 5. *made perpetual. One Witneſs ſhall be ſufficient to convince a Man of Tipling or Drunkenneſs.*

WHereas a Statute intituled, *An Act for the true Gauging of Tipling in Inns, Ale-houſes, and other Victualling-houſes, made in the firſt Year of his Majeſty's happy Reign of England.* And another Statute intituled, *An Act to repreſs the odious and loathſome Sin of Drunkenneſs*, made in the fourth Year of his Highneſs's Reign of *England*, were made to continue to the End of the next Seſſion of this preſent Parliament, and by Experience have been found good and neceſſary Laws: Be it therefore enacted, That the ſaid Statutes, with the Alterations and Additions herein contain'd, ſhall be put in due Execution, and obſerved: And whereas by the ſaid Statutes, Proof of two Witneſſes is required, Be it enacted, That Proof of one Witneſs from henceforth ſhall be allowed [illegible] Behaviour. And that [illegible] ſuch Perſon [illegible] Oath) ſhall be ſufficient to convince the Perſon ſo offending of ſuch Confeſſion, and Oath of the Party ſo offending ſhall be [illegible] Proof againſt any other offending at the ſame time. That if any other Perſon ſhall diſcover his or their Habitation and Abiding, ſhall not appear, nor be found upon View, or his own Confeſſion, or Proof of two to be tipling in any Inn, Ale-houſe, or Victualling-houſe, ſuch Perſons ſhall be from henceforth adjudged and continued within the ſaid Statutes, as if he or they had inhabited and dwelt in the City, Town-Corporate, Market-Town, Village or Hamlet, where he or they ſhall be ſo found Tipling, and ſhall incur the like Penalty, and the ſame to be in ſuch ſort levyed and diſpoſed, as in the ſaid Act is expreſſed, concerning ſuch as there inhabit: And the voluntary Confeſſion of ſuch Perſon or Perſons ſo offending, before ſuch as by the ſaid Statutes are authoriſed to miniſter the Oath, ſhall

shall suffice to convince themselves, and after such Confession, the Oath of such Person or Persons so confessing, shall and may be taken by such as by the said Act have Authority to minister an Oath, and shall be a sufficient Proof against any other offending at that Time.

And be it further enacted, That any Justice of Peace in any County, and any Justice of Peace or other head Officer in any City, or *Town Corporate*, within their Limits respectively, shall from henceforth have Power and Authority, upon his own View, Confession of the Party, or Proof of one Witness upon Oath before him, which he by Virtue of this Act shall have Power and Authority to administer, to convict any Person of the Offence aforesaid, and the Person so convict, shall forfeit and pay [illegible] for every such Offence, and the Justice be levy the same by Distress and Sale of the Offender's Goods, rendering the Overplus, if any be, to the Party, after the Charges of such Distress and Sale deducted, as in the said Statute is appointed. And for Default of Distress, shall become bound to the good Behaviour, as if he had been convicted in open Sessions, any thing in the said Statute made in the fourth Year of his Majesty's Reign, to the contrary notwithstanding.

And be it further enacted, That if any Person being an Alehouse-keeper, or that shall at any Time hereafter be an Alehouse-keeper, shall at any Time hereafter be lawfully convicted for any Offence so as that any the Penalties of either of the said Statutes forfeited according to the Alterations and Additions therein contained, or against the true Meaning of this present Statute, That every Person so convicted, shall for the Space of three Years next ensuing the said Conviction, be utterly disabled to keep any such Alehouse.

And whereas in the said Statute made in the fourth Year of his said Majesty's Reign, intituled, *An Act to restrain the odious and loathsome Sin of Drunkenness*, Constables, Churchwardens, Headboroughs, Tythingmen, Collectors and Assistants are appointed in the Oaths incident to their Offices, to be likewise charged to present the Offences contrary to the said Statute. Be it enacted, That the said Oath shall from hereafter be so altered, and extended, as to present all Offences done contrary to the Statutes in the first Session of Parliament, holden in the first Year of his Highness's Reign, intituled, *An Act to restrain the disorderly Haunting of Inns, Alehouses, and other victualling Houses*, with the Alterations and Additions in this Act contained, made in the said fourth Year of his said Majesty's Reign, according to the Alterations and Additions of the same, in this Act expressed. Stat. 1. *Car.* 4. [*Anno vicesimo primo Jacobi Regis.*]

CHAP.

## CHAP. VII.

**Peeresses married to Subjects, shall not be prosecuted to Outlawry in Debts, &c.**

WHereas in the Parliament it was moved, That [illegible] Peeresses in their own Right, or the Wives of any of their Majesties Subjects, should be sued upon Writs, Bills, Informations, or Processes of Outlawry, for any Debt or Trespass, or other personal Cause, whereby they should be compelled to appear in any Court to answer the same, or to be outlawed for not appearing, contrary to the Course of the Common Law, and the Ancient Customs of this Realm, and to the Liberties and Privileges of Parliament: Their Majesties, for the Ease of their Subjects, and for the Honour due to the Peeresses of this Realm, are graciously pleased, That no Writ, Bill, Information, or Process of Outlawry, shall be awarded against any Peeress in their own Right, or the Wife of any Subject, for any Debt, Trespass, or other personal Cause, whereby they shall be compelled to appear in any Court to answer the same, or to be outlawed for not appearing; but that they shall be left to the Course of the Common Law, and to the Ancient Customs of this Realm, and to the Liberties and Privileges of Parliament, as they ought to be, any Thing in this Act to the contrary notwithstanding.

And

And be it further enacted, That the Keepers of Taverns, and such as do sell *Wine* in their Houses, and do also keep Inns or Victualling in those Houses, shall be taken to be within the said two former Sections, and also within this Section.

## CHAP. VIII.

### *The Forfeiture and Punishment of him that keeps an Ale-house without License.*

WHEREAS by an Act made in the fifth Year of the Reign of King *Edward* the sixth of famous Memory intituled, *An Act for Lesser of Ale-houses to be kept by Recognisance*, amongst other Things it is enacted, That if any Person or Persons, other than such as should be thereunto admitted and allowed by the Justices mentioned in the said Act, should after the Day in the said Act limited, obtruding upon his own Authority, take upon him or them to keep a common *Ale-house* or *Victualling-house*, or should contrary to the Commandment of the said Justices, or two of them, use commonly selling of Ale or Beer, That then the said Justices of Peace, or two of them (whereof one to be of the *Quorum*) should for every such Offence commit every such Person or Persons so offending, to the common Gaol within the same *Shire, City, Borough, Town-Corporate, Franchise* or *Liberty*, there to remain without Bail or Mainprise, by the Space of three Days: And before his or their Deliverance, the said Justices should take Recognisance of him or them so committed, with two Sureties that he or they should not keep any common *Ale-house, Victualling-house*, or use commonly selling of Ale or Beer, as by the Discretion of the said Justices should seem convenient: And the said Justices should make Certificate of every such Recognisance and Offence, at the next Quarter-Sessions that should be holden within the same *Shire, City, Borough, Town-Corporate, Franchise* or *Liberty*, where the same should be committed or done, which Certificate should be a sufficient Conviction in Law of the same Offences: And the said Justices of Peace, upon the said Certificate made, should in open Sessions, assess the Fine for every such Offence at Twenty Shillings, as by the said Act may appear: Which Law hath not wrought such Reformation as was intended, for that the said Fine of Twenty Shillings is seldom levyed, and for that many

of the said Offenders, by reason of their Poverty, are neither able to suffer the said Pains of Twenty Shillings, nor yet to bear their own Charges of conveying them to the Gaols, and moreover, do leave a great Charge of Wife and Children upon the Parishes wherein they live: In regard whereof, the Constables and other Officers are much discouraged in presenting them, and the Offenders become obstinate and incorrigible.

For Remedy whereof, Be it enacted by the Authority of this present Parliament, That if any Person or Persons, after Forty Days next ensuing the End of this present Session of Parliament, shall upon his own Authority, not being thereunto lawfully licensed, take upon him, her, or them, to keep a common Alehouse, or Victualling-house, or use commonly selling of Ale, Beer, Cyder, or Perry: That then every such Person or Persons shall for every such Offence confess, and pay the Sum of Twenty Shillings of current Money of England, to the Use of the Poor of the Parish where such Offence shall be committed: The same Offence being witnessed and proved before any Justice of Peace, or other head Officer, or Officers of the several Limits, or confessed by the Party to be charged therewith, by the Oath of two Witnesses, to be taken before the Mayor, Bailiff, or other head Officer, or any one or more Justices of the Peace, who by Virtue of this Act shall be authorized to examine the said Oath of any Person or Persons that can or will justify the same, being privy to the Truth of the said Confession. The said Penalty to be levied by the Constables or Churchwardens of the Parish or Parishes where the said Offence shall be committed, who shall be accountable for the same to the Use of the Poor of the said Parish by way of Distress, to be taken and detained by Warrant or Precept, under the Hand and Seal of the Mayor, Bailiff, Justice or Justices, or other head Officer, before whom the said Offence shall be confessed, or proved as aforesaid; and for Default of Distress, within the Space of Six Days next ensuing, the said Offence to be certified by the said Constables or Churchwardens unto the next Quarter Sessions of the Peace, to be holden for the County, City, or Precinct wherein the said Offence was committed, or the Offender shall be dwelling, there to be recorded: And if such Offender shall not have sufficient Goods and Chattels whereby the said Penalty of Twenty Shillings may be levied by way of Distress as aforesaid, or shall not pay the said Sum of Twenty Shillings within Seven Days after such Conviction as aforesaid, That then the said Mayor, Bailiff, Justice or Justices, or other head Officer, before whom

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whom the said Offender shall be convicted as aforesaid, shall commit all and every the said Offenders to some Constable or Constables, or other inferiour Officer or Officers of the *City, Borough, Town, Parish* or *Hamlet*, where the Offence shall be committed, or the Party apprehended, to be openly whipt for the said Offence, as the said Justices or Justices shall limit or appoint.

And be it enacted by the Authority aforesaid, That if any Constable or inferiour Officer shall neglect to execute the said Precept or Warrant, or do refuse to do, or not execute by himself, or some other to be by him appointed, upon the Offender the Punishment limited by this Statute, that in that Case it shall and may be lawful for the said Mayor, Bailiff, Justices or Justices of Peace, or other Head Officer, to commit the Constable or other inferiour Officer so refusing, or not executing the said Punishment by himself or some other, to the common Goal of the said *County, City*, or *Town Corporate*, there to remain without Bail or Mainprize, until the said Offender or Offenders shall be by the said Constable or Constables, or other inferiour Officer so refusing, or not executing the said Punishment, or some by his or their Procurement, punished and whipped as is above limited and declared, or until he or they for neglecting or refusing, shall have paid the Sum of Forty Shillings of lawful Money of *England*, unto the Use of the Poor of the Parish for their said Contempt.

And be it further enacted, That if the said Offender or Offenders being an un-licensed *Alehouse-keeper*, shall offend in any of the Premises the second Time, and be thereof lawfully convicted in Manner and Form aforesaid, That then the said Mayor, Bailiff, Justice or Justices of the Peace, or other Head Officer shall commit him, her or them unto the House of Correction, there to remain for the space of One Month, and be dealt withal as *idle, lewd*, and *disorderly Persons*. And if such Person or Persons shall again offend, and shall be thereof convicted, as aforesaid, That then the said Offender or Offenders for every such Offence, shall be committed unto the said House of Correction, as aforesaid, there to remain until by the Order of the Justices in their general Sessions for the County, *City, Borough*, or *Franchise*, he, she, or they shall be delivered from thence.

Provided always, That such Offender or Offenders, as shall be punished by Vertue of this Act, shall not be punished again for the same Offence by the former Act, made in the fifth Year of King *Edward* the sixth aforementioned. And that such Offender or

Offenders as shall be punished by Vertue of this before mentioned Act, made in the fifth Year of King *Edward* the sixth, shall not be punished again for the same Offence by Vertue of this present Act, nor any other Statute ensuing.

That in such Towns and Places, where any *Fair* or *Faire* shall be kept, that for the Time only of the same *Fair* or *Faire*, it shall be lawful for every Person or Persons to use common Selling of Ale or Beer in Booths, or other Places there, for the Relief of the King's Subjects that shall repair unto the same, in such like manner and sort, as hath been used and done in Times past, this Act, or any thing therein contained to the contrary notwithstanding. 5. H. 7. 2. 1. Jac. 9. 4. Jac. 4. 7. Jac. 10. 28. Jac. 7. 7. Car. 4. [ *Anno tertio Caroli Regis.* ]

## CHAP. IX.

### *Ale Measures.*

it enacted, That from and after the twenty fourth Day of June, One thousand seven hundred, all Inn-keepers, *Alehouse-keepers*, Victuallers, and other Retailers of Ale or Beer, shall utter and sell their Ale or Beer in and from their respective Houses, by a full Ale Quart or Pint, according to the Standard that shall be kept for that purpose, and shall not retail, utter or sell any Ale or Beer to any Person or Persons in any other Vessel, either of Wood, Horn, Leather, Pewter, Earth, Glass, &c. not sign'd and mark'd according to this Act, on Pain to forfeit any Sum not exceeding Forty Shillings, nor under Ten Shillings for every such Offence, to be prevented as is herein mention'd.

And further, if any *Inn-keeper*, *Alehouse-keeper*, *Butler*, Victualler, or other Retailer of Beer or Ale, shall utter or sell any Ale or Beer in any Vessel not sign'd or marked as aforesaid, to any Person or any other Person; Or if in giving any Account or Reckoning in Writing or otherwise, or refuse or deny to give in the particular Number of Quarts or Pints of Ale or Beer, for which any such Reckoning, it shall not be lawful for any *Inn-keeper*, *Alehouse-keeper*, &c. as aforesaid, for Default of Payment of such Reckoning, to detain any Goods or any

Thing or Things belonging to the Perſon from whom ſuch Reckoning ſhall be due, but ſhall be left to his Action at Law, any thing herein contained to the contrary notwithſtanding.

And for the better Execution of this Act, the Mayor or chief Magiſtrate of all *Cities, Towns-Corporate, Burroughs, Market Towns in England*, ſhall upon the Deſire of any Ale *Alehouſe-keeper, &c.* as aforeſaid, *&c.* examine their Quarts and Pints uſed for ſelling and dreſſing of Beer; for doing whereof he ſhall have One Farthing for [illegible] and no more.

And that every ſuch Mayor or chief Officer making Deſire of ſelling, ſcalloping, and marking of ſuch Veſſels upon Refuſal by ſuch *Ale-keeper, Alehouſe-keeper, &c.* as aforeſaid, ſhall forfeit Five Pounds, to be recover'd in any of his Majeſty's Courts of Record, together with treble Damages to the Party grieved, with full Coſts of Suit.

And all other Penalties and Forfeitures of this Act, ſhall be equally divided between the Proſecutor and the Poor of the Parish where the Offence was committed; being convicted by Oath of one or more credible Witneſs or Witneſſes, made before one or more Juſtice or Juſtices of the Peace, for the County, *&c.* if proſecuted within Thirty Days after the Offence was committed, to be levied by Warrant, under the Hand and Seal of ſuch Juſtice or Juſtices, on the Goods of ſuch Offenders, returning the Overplus to the Owner, reaſonable Charges for diſtraining being firſt deducted.

Sub-Commiſſioners or Collectors of the Duties of Excise within their Circuits and Diviſions, provide a ſufficient Quart and Pint according to the Standard in the Exchequer, without any Fee or Reward, and the ſame ſhall be deliver'd to every Supervising Officer; the Sub-Commiſſioner or Collector that ſhall make Default thereof ſhall forfeit Five Pounds, to be levyed as aforeſaid.

This Act ſhall not extend to any Perſon that ſhall Retail, or ſell Ale or Beer to be ſpent out of his Houſe, if firſt meaſured by the Standard Meaſure, although carryed out of his Houſe in any other Veſſel of any Quantity, other than ſuch Ale Quart or Pint as aforeſaid. Nor ſhall not extend to the *Two Univerſities* of this Kingdom. Juſtices of the Peace at their General Quarter Seſſions, muſt give this Act in Charge to the Grand Juries.

If any Action ſhall be brought againſt any Perſon for executing this Act, it ſhall be in the County where it is executed, and not elſewhere, and the Defendant ſhall plead the General Iſſue. 11. *and* 12 W. 3d.

[redacted] Apothecaries that have been brought up and served as Prentices in the same Art for seven Years, shall be exempted from serving the Offices of *Constables, Scavengers, Overseers of the Poor*, and all other Parish, Ward, or Leet Offices, and from serving on Juries and Inquests in the Counties and Places where they live, so long as they shall use and exercise the said Art, [redacted] *made perpetual by the 10th of* [redacted] of this present Session of Parliament, it is enacted, That the President and Fellows of the *College of Physicians* may choose Four Persons yearly, who with the Assistance of the Wardens of the Apothecaries in *London*, shall have Power, at seasonable Times in the Day time, to enter into and search the Houses, Shops, and Warehouses of *Apothecaries*, or other Persons who sell any Medicines, Drugs, Oils, or Compositions to be used in the City of *London*, or Suburbs, or within seven Miles Circuit thereof, and view their Medicines, Drugs, &c. and such as they shall find corrupt, and not fit to be administred in Medicines for Man's Body, they shall take and burn, or otherwise destroy. And such Drugs in the Shops and Ware-houses of Merchants or Others, not making or Keeping of Medicines for sale.

## CHAP. XI.

### *Apples and Pears.* s. d.

[redacted] *Apples* or *Pears* shall be sold by Water-Measure, it must be by a Measure of Eighteen Inches deep and no more, and Eighteen Inches and an half in the Diameter within the Hoop, and round, and so in Proportion for a greater or lesser Measure, heaped. The Buyer and Seller forfeits Ten Shillings each, one half to the Poor of the Parish where the Offence shall be committed, and the other half

half to the Informer; to be levyed by Diſtreſs of Goods by a Warrant from one Juſtice, by the Oath of one Witneſs.

## CHAP. XII.

*No Man ſhall come before the Juſtices, nor go or ride armed.*

IT is enacted, That no Man great nor ſmall of what Condition ſoever he be, except the King's Servants in his Preſence, and his Miniſters in executing the King's Precepts or of their Office, and ſuch as be in their Company aſſiſting them, and alſo upon a Cry made for Arms to keep the Peace, and the ſame in ſuch Places where ſuch Affrays be, and they ſhall not come before the King's Juſtices or other his Miniſters doing their Office, with Force and Arms nor bring Force in Affray of Peace, nor to go nor ride armed by Night nor by Day, in Fairs, Markets, nor in the Preſence of the Juſtices or other Miniſters, nor in no Part elſewhere. And that no Man be ſo hardy to ſhoot in Forreſts, Parks, Warrens nor Garennes out of his own Inheritance, but if it be in Time of War, at the King's Commandment, upon Pain to forfeit their Armour to the King, and their Bodies to Priſon at the King's Pleaſure. And that the King's Juſtices in their Preſence, Sheriffs, and other Miniſters in their Bailiwicks, Lords of Franchiſes and their Bailiffs in the ſame, and Mayors and Bailiffs of Cities and Boroughs within the ſame Cities and Boroughs, and Borough-holders, Conſtables and Wardens of the Peace within their Wards, ſhall have Power to execute this Act. And that the Juſtices aſſigned at their coming down into the Country, ſhall have Power to enquire how ſuch Officers and Lords have exerciſed their Offices in this Caſe, and to puniſh them whom they find that have not done that which pertained to their Office. *St. 7. E. 1. 1. Seſſ. St. 7. R. 2. 13. St. 10. R. 2. 1. Fitz. N. B. Fo. 249.* [*Anno ſecundo Edwardi tertii,*

By a late Act, *Perſons that ſhall go Armed, their Faces being blacked or diſguiſed, are Felons.* This Act is expiring.

CHAP.

## CHAP. XIII.

*Arrest.*

WHEREAS it is found by common Experince, That each Person or Persons that are under *Arrest*, or committed to the Custody of Sheriffs, Bailiffs, Goalers, Keepers of Prisons, or Goals, are much abused and wronged by extorting of great Fees, Rewards, and other Exactions, and put to great Expences under pretence of Attendance, whereby they are greatly impoverished in their Estates: For Remedy thereof, Be it by the Authority aforesaid, That if any Under-Sheriff, Bailiff, Sergeant at Mace, or other Officer or Minister whatsoever, shall at any time or times hereafter, have in his or their Custody any Person or Persons, by Vertue or Colour of any Writ, Arrest, or Attachment whatsoever, it shall not be lawful for such Officer or Officers, to convey or carry, or cause to be conveyed or carried the said Person or Persons to any Tavern, Ale-house, or other Publick Victualling or Drinking-house, without the free and voluntary Consent of the said Person or Persons; so as to charge such Person with any Sum of Money for any Wine, Beer, Ale, Victuals, Tobacco, or any other Things whatsoever, but what the said Person or Persons shall call for, of his, her, or their own accord; and shall not demand, take or receive, or cause to be demanded, taken or received, directly or indirectly, any other or greater Sum or Sums than what by Law ought to be taken or demanded for such Arrest, Taking of Bail, until such Person or Persons shall have procured an Appearance, found Bail, agreed with his or their Adversaries, or be sent to the proper Goal belonging to the County, City, Town or Place where such Arrest, or Taking shall be: Nor take and exact any other Reward or Gratuity for so keeping the said Person or Persons out of the Goal or Prison, then what he, she, or they shall or will of his, her, or their own accord, voluntarily and freely give: Nor take, nor receive any other or greater Sum or Sums for each Night's Lodging, or other Expences, then what is reasonable and fitting in such Cases, or shall be so adjudged by the next Justice of the Peace, or at the next Quarter-Sessions; and shall not cause or procure the said Person or Persons, to pay for any other Wine, Beer, Ale, Victuals, Tobacco, or other Things then what

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the said Person to Prison shall reasonably, particularly and freely tell for. *Anno 10. Georgii Secundi & 1. & 2. Caroli Secundi Regis.*

## CHAP. XIV.

### *Artificers.*

ENACTED, That if any Person shall entice, or endeavour to perswade, or solicite any *Manufactor* or *Artificer* in *Wool, Iron, Brass*, or any other Metal, *Clock-maker, Watch-maker*, or any other *Artificer* of his Majesty's Dominions, being Lawfully convicted thereof by the Oath of one Witness, or Confession before one Justice of the Peace, for want of Sureties shall be committed to Goal.

And being found guilty by Indictment, shall be fined One Hundred Pounds for the first Offence, and imprison'd for Three Months, and until such Fine shall be paid.

For the second Offence shall be fined at the Discretion of the Court, imprison'd Twelve Months, and until such Fine shall be paid. Prosecution must be within Twelve Months.

And if any Person shall be convicted as aforesaid, of any Promise or Contract, or Preparation to go abroad beyond the Seas, shall find sufficient Sureties not to depart out of his Majesty's Dominions, and for want of such Sureties, shall be committed to Goal, there to remain until he shall find sufficient Sureties not to go abroad as aforesaid. [5. *Georgii*, C. 27. *Sec.* 4.]

## CHAP. XV.

### *None shall be Badgers of Corn, nor Drovers of Cattle without Licence.*

WHEREAS in the Session of Parliament holden upon Prorogation at *Westminster*, the twenty third Day of *January*, in the first Year of the Reign of our late Sovereign Lord King *Edward* the sixth, amongst other things it was enacted, That whatsoever Person or Persons, after the first Day of *May* then next ensuing, should ingross or get into his

or their Hands, by buying, contracting, or promiſe taking, either than by Demiſe, Grant, or Leaſe of Land (or Tythes) any Corn growing in the Fields, or any other Corn or Grain, Butter, Cheeſe, Fiſh, or other dead Victuals whatſoever, within the Realm of *England*, to the Intent to ſell the ſame again, ſhall be accepted, reputed, and taken an unlawful *Engroſſer* or *Engroſſers*: With a Proviſo, and Ordinance contained in the ſame Act, that it ſhould be lawful to every Perſon or Perſons, being a common *Badger*, *Kider*, *Lader* or *Carrier*, which ſhall be licenſed, aſſigned and allowed thereunto by three Juſtices of the Peace of the County where the ſaid *Badger*, *Lader*, *Kidder*, or *Carrier* ſhall dwell, which ſhall ſell or deliver in open Fair or Market, or to any other Victualler, or to any other Perſon or Perſons, for the Reſpect of his or their Houſe or Houſes, all ſuch Corn, Butter, or Cheeſe, as any ſuch Perſon or Perſons ſhall buy or cauſe to be bought, and ſhall within one Month next after he or they ſhall ſo buy any ſuch Corn, Grain, Butter, or Cheeſe, ſo that the ſame ſhall be bought without foreſtalling; ſhall not be in any wiſe deemed, adjudged, or taken any Offence contrary to the ſaid Act.

Be it further enacted, That the Juſtices of the Peace in their general and open Seſſions, ſhall or may by their Diſcretions, take Bond and Surety from time to time by Recognizance, of ſuch as ſhall be admitted or allowed hereafter a common *Drover of Cattle*, *Badger*, *Lader*, *Kidder*, *Carrier*, or Buyer of Corn, Grain, Butter, or Cheeſe, that they nor any of them, ſhall by Colour of his or their Licenſe, foreſtall or engroſs, or otherwiſe practice or do any Act or thing contrary to the Tenour and true Meaning, or in defrauding the ſaid former Statute, or of any Matter or Thing therein contained. All which Licenſes, and every of them, and the ſaid Recogniſances, ſhall be made and written by the Clerk of the Peace of every County where ſuch Licenſe ſhall be granted, or by his lawful Deputy, and by none other Perſon or Perſons. And every Perſon that ſhall have any ſuch Licenſe, ſhall pay to the Clerk of the Peace, or his Deputy for making thereof, Twelve Pence at the moſt, and for every Recogniſance in Form aboveſaid to be made and knowledged, Eight Pence at the moſt, and for Regiſtring of the ſame Licenſe and Recogniſance, Four Pence at the moſt. For which ſaid Fee, the ſaid Clerk or his Deputy ſhall have and keep one Regiſter Book, and therein ſhall regiſter and write all the Names, Sir-Names, and Dwelling-places of ſuch as ſhall be licenſed as aboveſaid, with a brief Declaration or Entry

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of the said License, and of the Day, Time and Place where such License or Licenses shall be granted, which Book of Register the said Clerk of the Peace, or his Deputy, shall have and bring to every Session, to the Intent that it may appear what Number of Licenses be and shall be from time to time granted, whereby the better Consideration may be had thereof.

Provided always, and be it further enacted by the Authority aforesaid, that no Person or Persons shall or may by Authority of any such License above-mentioned, buy any Corn growing out of open Fields, to sell again, unless such Person and Persons shall be thereunto licensed, and shall have special and express Words contained in such License or Licenses, that he or they may so do, upon pain to forfeit for every such time that any such Person or Persons shall do to the contrary, Five Pounds. The Moity of all which Forfeitures above specified, shall be to the Queen our Sovereign Lady, her Heirs and Successors, and the other Moity to him or them, that will sue for the same in any of the Queen's Courts of Record, by Bill, Plaint, Action of Debt, or Information, in which Bill, Plaint, Action or Information, no Wager of Law, Essoign or Protection shall be admitted. [*Now gained Regina Elizabeth.*]

## CHAP. XVI.

*Which Prisoners be mainpernable, and which not. The Penalty for unlawful Bailment.*

Forasmuch as Sheriffs, and others, which have taken and kept in Prison Persons detected of Felony, and incontinent have let out by Replevin, such as were not replevisable, and have kept in Prison such as were replevisable, because they would gain of the one Party, and grieve the other: And forasmuch as before this Time it was not determined, which Persons were replevisable and which not, but only those that were taken for the Death of Man, or by Commandment of the King, or of his Justice, or for the Forest: It is provided, and by the King commanded, That such Prisoners as before were outlawed, and they which have abjured the Realm, Prowers and such as be taken with the Maner, and those which have broken the King's Prison, Thieves openly defamed and known, and

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them committed, be declared not to be replevied or bailed, as to be forbidden to be replevied or bailed by the Statute of Westminster primer, made in the Parliament holden in the third Year of the Reign of King Edward the first. That any Person or Persons arrested for Murther or Felony, or Suspicion of Murther or Felony, being bailable by the Law, shall not after the said last Day of September be let to Bail or Mainprise by any Justices of Peace, if it be not in open Sessions, or by two Justices of Peace at the least, whereof one to be of the Quorum, and the same Justices present at the Time of the said Bailment or Mainprise, which Bailment or Mainprise shall remain in Writing, indented or figned with their own Hands, at the next General Goal-Delivery, to be holden within the County where the said Person or Persons shall be arrested, or suspected by Persons unindicted, or one Person being of the Company, where any such Prisoner is brought before them for any Murther or Felony done, or any Indictment or Appeal shall take the Examination of the said Prisoner, and Information of them that bring him, of the Fact and Circumstances thereof, and the same, or as much thereof as shall be material to prove the Felony, shall put in Writing before they make the same Bailment, which said Examination, together with the said Bailment, the said Justices shall certifie at the next General Goal-Delivery to be holden within the Limits of their Commission. [ 11. H. 4. c. 2. 28. H. 6. M. C. 19. ]

## CHAP. XIX.

### Bailiffs.

IF the Defendant [illegible] not have Lawful Summons from the Court-Baron, [illegible] forfeits Forty shillings [illegible] and the Profecutor. One or more Justices may examine the Fact, and certifie the same into the Exchequer within three Months.

CHAP.

## CHAP. XX.

[redacted] Penalty of Forty Shillings by the 8th of *A.* on *Bakers* for want of Weight of Bread, is reduced to Five Shillings on [redacted] for every fourteen shillings Weight; and under that to Two Shillings and Sixpence. The Penalty [redacted] to be recovered before Magistrates of Justice in *London* and *Westminster*, or such Three [redacted] elsewhere. 2. *Geo.* C. 26. Sec. 1.

*Bakers* may make and sell Peck, Half-peck, Quarter or Half-Quarter Loaves, at the discretion of the Baker. 31. G. 29.

The Clerk of the Market is to certify on Oath to the Chief Magistrate or Justice, the Price of Grain, Meal and Flour, every time the Assize is altered, 1. G.

Two Justices in Towns and Places where there is no Mayor, Bailiffs, Aldermen, or Chief Magistrate, from time to time may set, ascertain and appoint the Assize and Weight of all Sorts of Bread, having regard to the Price Grain, Meal or Flour from the publick Markets, and to make reasonable Allowance to the Bakers for Charges, Pains and Livelihood, the Assize [redacted] according to the several Seasons, and not by Avg. Weight. All Forfeitures to go to the Informer. 8. *G.* C. 18. Sec. 1.

*Bakers* may appeal to the Quarter Sessions, whose Judgement is final. These Acts are continued by an Act of this Parliament for Seven Years.

## CHAP. XXI.

### *Bankrupts.*

UPON Application to one Justice, he may grant his Warrant for taking and apprehending a Person certify'd a *Bankrupt*, and may commit such Person to the common Goal of the County where apprehended. 5. *Geo.* C. 24. Sec. 4.

CHAP.

## CHAP. XXII.

### *The Punishment of lewd Women which have Bastards.*

BECAUSE great Charge ariseth upon [illegible] within this Realm, by reason of [illegible] great Dishonour of Almighty God, [illegible] rendered, That every [illegible] present Session of Parliament shall have [illegible] which may be charged to the Parishes [illegible] of Peace shall commit such [illegible] there to be punished, and set on Work during the Term of One whole Year. And if she shall offend [illegible] to be committed to the said House of Correction as aforesaid, and there to remain until she can put in good Sureties for her good Behaviour, not to offend again. And if either Man or Woman being able to work, and shall threaten to run away, and leave their Children as aforesaid, the same being proved by two sufficient Witnesses upon Oath before two Justices of Peace in that Division, That then the Persons so threatening [illegible] by the said Justices of Peace be sent to the House of Correction [illegible] unless he or she can put in sufficient Sureties for the Discharge [illegible] the Parish) there to be dealt with and [illegible] as a sturdy [illegible] wandring Rogue, and to be delivered at the Quarter Sessions, and not otherwise. [*Anno septimo Jacobi Regis.*]

## CHAP. XXIII.

### *The destroying and murdering of Bastard Children prevented.*

WHEREAS many *lewd Women* that have been delivered of *Bastard Children*, to avoid their Shame, and to escape Punishment, do secretly bury or conceal the Death of their Children, and after, if the Child be found dead, the said Women do alledge, *That the said Child was born dead*, whereas it falleth out sometimes (although hardly it is to be proved) that the said Child or Children were murdered by the said Women, their *lewd Mothers*, or by their Assent or Procurement.

For

For the preventing therefore of this great Miſchief, be it enacted by the Authority of this preſent Parliament, That if any Woman after one Month next enſuing the End of this Seſſion of Parliament, be delivered of any Iſſue of her Body, Male or Female, which being born alive, ſhould by the Laws of this Realm be a *Baſtard*, and that ſhe endeavour privately, either by Drowning, or ſecret burying thereof, or any other Way, either by her ſelf, or the procuring of others, ſo to conceal the Death thereof, as that it may not come to Light, whether it were born alive or not, but be concealed: In every ſuch Caſe, the ſaid *Mother* ſo offending ſhall ſuffer Death, as in Caſe of Murder, except ſuch *Mother* can make Proof by one Witneſs at the leaſt, That the Child (whoſe Death ſhe was by her ſo intended to be concealed) was born dead. 3. Car. 4.

[*Anno viceſimo primo Jacobi Regis.*]

## CHAP. XXIV.

### *Juſtices of Peace ſhall order the Puniſhment of the Mother and reputed Father of a Baſtard, &c.*

Concerning *Baſtards* begotten and born out of lawful Matrimony (an Offence againſt God's Law and Man's Law) the ſaid *Baſtards* being now left to be kept at the Charges of the Pariſh where they be born, to the great Burden of the ſame Pariſh, and in defrauding of the Relief of the impotent and aged true Poor of the ſame Pariſh, and to the evil Example and Encouragement of lewd Life: It is ordained and enacted, That two Juſtices of the Peace, whereof one to be of the *Quorum*, in or next unto the Limits where the Pariſh Church is, within which Pariſh ſuch *Baſtard* ſhall be born, (upon Examination of the Cauſe and Circumſtance) ſhall and may by their Diſcretion take Order, as well for the Puniſhment of the *Mother* and *reputed Father* of ſuch *Baſtard Child*, as alſo for the better Relief of every ſuch Pariſh in Part or in all, and ſhall and may likewiſe by like Diſcretion take Order for the keeping of every ſuch *Baſtard Child*, by charging ſuch *Mother* or *reputed Father* with the Payment of Money weekly, or other Suſtentation for the Relief of ſuch Child, in ſuch wiſe as they ſhall think meet and convenient. And if after the ſame Order by them ſubſcribed under their

And

their Hands, any the ſaid Perſons, viz. *Mother* or *Putative Father*, upon Notice thereof, ſhall not for their Part obſerve and perform the ſaid Order, that then every ſuch Party ſo making Default in not performing of the ſaid Order, to be committed to ward to the common Goal, there to remain without Bail or Mainprize, except he, ſhe, or they ſhall put in ſufficient Surety to perform the ſaid Order, or elſe perſonally to appear at the next General Seſſions of the Peace to be holden in that County where ſuch Order ſhall be taken, and alſo to abide ſuch Order as the ſaid Juſtices of the Peace, [illegible] more part of them, then and there ſhall take in that Behalf (as they then and there ſhall take any) and that if at the ſaid Seſſions the ſaid Juſtices ſhall take no other Order, then to abide and perform the Order before made, as aforeſaid. 3. *Car.* 4. [ *Anno decimo octavo Regina Elizabetha.* ]

## CHAP. XXV.

### *Putative Fathers of Baſtard Children, running away, How to be proceeded againſt.*

WHEREAS the *putative Fathers* and *reputed Mothers* of *Baſtard Children* run away out of the Parish, and ſometimes out of the County, and leave the *Baſtard Children* upon the Charge of the Parish where they are born, although ſuch *putative Father* and *Mother* have Eſtates ſufficient to diſcharge ſuch Parish; Be it therefore enacted, That it ſhall and may be lawful for the Churchwardens and Overſeers for the Poor of ſuch Parish where any *Baſtard Child* ſhall be born, to take and ſeize ſo much of the Goods and Chattels, and to receive ſo much of the Annual Rents or Profits of the Lands of ſuch *putative Father* or *reputed Mother*, as ſhall be ordered by any two Juſtices of Peace as aforeſaid, for or towards the Diſcharge of the Parish, to be confirmed at the Seſſions, for the bringing up and providing for ſuch *Baſtard Child*. And thereupon it ſhall be lawful for the Seſſions to make an Order for the Churchwardens or Overſeers for the Poor of ſuch Parish, to diſpoſe of the Goods by Sale or otherwiſe, or ſo much of them for the Purpoſes aforeſaid, as the Court ſhall think fit, and to receive the Rents and Profits, or ſo much of them as ſhall be ordered by the Seſſions as aforeſaid, of his or her Lands. [ 13. & 14. *Car.* 2. C. 12. S. 19. ]

And

And so much of an Act made in the Eighteenth Year of the Reign of the late Queen *Elizabeth*, as concerneth *Bastards* begotten out of Lawful Matrimony; with this, That all Justices of the Peace within their several Limits and Precincts, and in their several Sessions, may do and execute all things concerning that Part of the said Statute, that by Justices of Peace in their several Counties are by the said Statute limited to be done. [*Howe per tit. Careli primi Regis.*]

## CHAP. XXVI.

### *Blasphemy.*

IF an Information shall be laid against any Person for *Blasphemy*, and *Prophaneness*, to one Justice of the Peace, or more, within four Days after the Offence, such Person shall lose all his Places of Employment; and for a second Offence, he shall not be admitted to Sue in any Action, nor capable of any Legacy or Deed of Gift, or to bear any Office for ever, and imprison'd for three Years without Bail or Mainprise. This Prosecution must be within three Months. [9. W. 34.]

## CHAP. XXVII.

### *Bone-Lace.*

ONE Justice upon Information given, may issue out his Warrant to search for Foreign *Bone-Lace*, *Cut-Work*, *Embroidery*, *Fringe*, *Band-Strings*, *Button*, and *Needle-work* of Thread or Silk, and seize them. [13. and 14. Car. 2d. C. 13. Sec. 3.]

This Act is repealed as to *Lace made of Thread*, in all Places, except in the Dominions of the *French* King, and the Duke of *Anjou*, by the 5th of Q. A. C. 17.

## CHAP. XXVII.

### Books.

ONE Juſtice may grant his Warrant to ſearch for any Books taken out of a Parochial Library, and if found may order them to be reſtored. [7. *A. C.* 14. *S.* 10.]

## CHAP. XXIX.

### *Brandy.*

TWO Juſtices may adjudge *Brandy* imported to be forfeited.

If Corn, &c. [illegible] take the Oath of *Diſtillers* and Others, That *Brandy* or *Strong Waters* intended to be exported, was drawn from Drink Brewed from Malted Corn, without any Mixture, and the ſame is exported for [illegible] ſhall ſell *Brandy*, or any other *Diſtilled Liquors*, Retail, [illegible] Liquors from his Majeſty's Juſtices of the Peace, in the ſame Manner as *Ale-Houſes*; and the Offender ſhall be puniſh'd by the ſame Rules. Penalties and Forfeitures as thoſe that ſell *Ale* without Licenſe.

But by the 11t. of *G. A.* it was enacted, That all *Diſtillers* keeping Places for *Diſtilling* of *Brandy* and *Strong Waters* from Malted Corn; and *Shop-Keepers* dealing more in other Goods than *Brandy* and *Strong Waters*, (not ſuffering *Tipling* in their Houſes) as to ſuch Perſons, the Act aforeſaid for their taking of Licenſes, is repealed.

*Eighth of K. G.* Foraſmuch as Perſons uſing clandeſtine Trade of runing of Foreign *Brandy*, *Arrack*, *Strong Waters*, and Spirits of [illegible] encouraged to continue in the ſame by Reaſon great Numbers of Perſons, for private Lucre, do receive and buy the Goods and Merchandizes to by them clandeſtinely imported contrary to Law, which may be a Means to bring in the *Iriſh* Trade; Be it therefore enacted, That if any Perſon or Perſons ſhall receive or buy any Goods, Wares or Merchandizes, to clandeſtinely run or imported, and ſhall be thereof Lawfully convicted, upon his or their Appearance, or Default, upon the Oath or Oaths of one

or more credible Witness or Witnesses, or by the Confession of the Party before One, or more Justice or Justices of the Peace of the County or Division where the Offence was committed, or the Offender shall be found; the Person so Convicted shall forfeit Twenty Pounds, one Moity thereof to the Informer, and the other Moity to the Poor of the Parish where the Offence shall be committed, to be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal of such Justice or Justices as aforesaid, of which Offence such Offender shall be committed to Prison, there to remain without Bail or Mainprize for Three Months.

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## CHAP. XXX.

### *Brass and Pewter.*

THE Justices of Peace within every Shire, at their [illegible] Session holden at *Michaelmas*, shall assign and appoint two certain Persons, having Experience in the Trade, to make Search in the Premises in every part of their Shire, as well within *Franchise* as without, saving in Cities or *Burroughs* where Searchers be appointed by the Heads and Governors of the same; And that of all such Unlawful *Pewter* or *Brass*, as the said Searchers shall find, the one half shall be to the Use of your Grace, and the other half to the said Searchers: And that in the Defaults of the said Maisters and Wardens of the said Occupations, not searching in Form as is aforesaid, and whereby that any such Unlawful Metal is cast or made, or Unlawful Weights used; It shall be lawful to any Person or Persons, having sufficient Cunning and Knowledge in the said Occupations, by Direction of the Mayors, Bailifs, and Head Officers of the said Cities and Burroughs, to search all the said Places, and to put the said Authority and Act in Execution in Form aforesaid. [illegible] *Made perpetual* 37 H. 8. 9. 33. H. 8. 4. [*Anno decimo nono Henrici Septimi.*]

## CHAP. XXXI.

### Brewers.

FROM the First of *September*, 1689. no *Brewer*, or Retailer of Beer or Ale, shall use in Working any Molasses, Course Sugar, or Composition or Extract of Sugar, on Pain to forfeit all such Liquors, and One Hundred Pounds, to be recover'd by Action.

## CHAP. XXXII.

### Bridges.

THAT such Part and Portion of the Highways in every Part of this Realm, as well within *Franchises* without, as lye next adjoyning to any Ends of any Bridges within this Realm, distant from any of the said Ends by the Space of Three Hundred Foot, be made, repaired, and amended as often as Need shall require. And that the Justices of Peace in every Shire of this Realm, *Franchise*, *City* or *Borough*, or Four of them at the least, whereof one to be of the *Quorum*, within the Limits of their Commissions and Authorities, shall have Power and Authority to enquire, hear, and determine in the King's general Sessions of Peace, all manner of Annoyances of and in such Highways, lying and being next adjoyning to any Ends of Bridges within this Realm, distant from any of the Ends of such Bridges, Three Hundred Foot, and to do in every thing and things concerning the making, repairing, and amending of such Highways and every of them, as large and ample Manner as they might and may do, to and for the making, repairing, and amending of Bridges, by Vertue and Authority of this present Act. [*Anno vicesimo Secundo Henrici octavi.* 22 H. 8. c. 5.]

CHAP.

## CHAP. XXXIII.

*Which Counties shall stand charged for repairing of Chepstow Bridge.*

BE it enacted, That the Shire or County of *Gloucester*, and the Shire or County of *Monmouth*, shall for evermore stand chargeable respectively, and severally, for the erecting, building, new making up, and continual Reparation and Maintenance of the said Bridge, when, and as often as Need shall require: *viz.* The said County of *Gloucester*, from the Midst of the said Bridge, or from the Place where the Midst of the said Bridge stood in the said River, for that Part or Moity of the said Bridge, which lyeth on that Side, unto the Lordship of *Tyddenham*: And the said County of *Monmouth* from the Midst of the said Bridge, or from the Place where the Midst of the said Bridge stood, in the said River, for that Part or Moity thereof which lyeth on that Side, unto the Lordship of *Chepstow*: And that the Justices of Peace, or any Four of them in either of the said Counties, whereof one to be of the *Quorum*, severally and respectively, shall have Power and Authority by this Act to tax, Assess, and Rate all and every the Inhabitants of the said several Counties of *Gloucester* and *Monmouth*, severally and respectively, as well within Liberties as without, to such reasonable Sum and Sums of Money, from time to time, as to the said Justices, or any Four of them, in either of the said Counties severally and respectively, whereof one to be of the *Quorum*, shall be thought fit, needful and convenient, for the Building, new making up, and erecting of the said Bridge. [*Anno tertio Jacobi Regis.*]

## CHAP. XXXIV.

*All Bridges to have sufficient Walls or Posts, and Rails Four Foot High.*

BE it enacted, That Surveyors do take Care that all and every Bridge or Bridges within their respective Limits, shall before the Feast of St. *Michael*, One Thousand six hundred sixty and two, have

have ſufficient Walls, or Poſts and Rails of each Side thereof, Four Foot high at the leaſt; and that the ſaid Walls, or Poſts and Rails, be from time to time kept in ſufficient Repair. [ *Anno decimo tertio & quarto Caroli ſecundi Regis.* ]

## CHAP. XXXV.

*How Money is to be raiſed for Repairing of Bridges, &c.*

QUarter Seſſions may order every Town, Parish, or Place to be aſſeſſed towards the Repair of Bridges, as they have been uſually aſſeſſed; to be collected by the Conſtables, or ſuch Treaſurer, and in ſuch Manner as the Juſtices ſhall appoint. Aſſeſſments to be levied and paid within Ten Days after Demand. And if any Conſtable ſhall neglect to collect Monies aſſeſſed for Repair of Bridges, or to pay the Money collected to the High-Conſtables, within ſix Days after Receipt of the ſame, he ſhall forfeit Forty Shillings.

If any Treaſurer ſhall pay any Money aſſeſſed for the Repair of Bridges without Order of Quarter Seſſions, he ſhall forfeit Five Pounds. Quarter Seſſions have Power to allow to Perſons concerned in Execution of this Act, Three Pence in the Pound. No Fine for repairing of Bridges or High-ways ſhall be returned into the Exchequer, but to the Treaſurer, and be employ'd by the Juſtices Order towards Repairing of Highways and Bridges. [ 1. *Ann.* ]

## CHAP. XXXVI.

*Bullion.*

ENACTED, That if any Perſon ſhall have Unlawful Bullion in his Cuſtody, and cannot prove on Oath that the ſaid Bullion, before the melting thereof, was not current Coin, one Juſtice may commit him to Priſon, in order to be try'd by Indictment for melting the current Coin of this Realm; and in Caſe he cannot make ſuch Proof, he ſhall remain in Priſon for Six Months.

Two

Two Justices may by their Warrant authorize a Constable to enter into, and search the Houses and Places thereunto belonging, of any Person suspected, and to break open any Door, Box, or Chest of any such Person; and if they shall find any such Bullion, then they are to seise the same, and carry the Person in whose Custody it shall be found, before a Justice of the Peace to be proceeded against. [6. & 7. W. 3. C. 17. S. 8.]

## CHAP. XXXVII.

### *An Act for burying in Woollen.*

ENACTED, That from and after the first Day of August, 1678, no Corps of any Person or Persons, shall be buried in any Shirt, Shift, Sheet or Shroud, or any thing whatsoever made or mingled with Flax, Hemp, Silk, Hair, Gold or Silver, or in any Stuff or Thing, other than what is made of Sheeps Wool only; or be put in any Coffin lined or faced with any Sort of Cloth or Stuff, or any Material but Sheeps Wool only, upon Pain of Forfeiture of Five Pounds.

All Persons in Holy Orders, shall keep an Exact Register of all and every Person, or Persons, buryed in his or their respective Parishes or Precincts, or in such Common Burial Places as their Parishioners are usually buryed in. And one or more of the Relations of the Party deceas'd, or other credible Person, shall within Eight Days next after such Interment, bring an *Affidavit* in Writing, under the Hands and Seals of two or more credible Witnesses, and under the Hand of the Magistrate before whom the same was sworn, for which nothing shall be paid to the Minister or Parson that the Deceased was not put in, wrapt, wound up, or buryed in any Shirt, *&c.* as aforesaid.

And if no such *Affidavit* shall be brought as aforesaid, within the Term of Eight Days, then the Goods of the Party deceased, shall be liable to the aforesaid Forfeiture of Five Pounds, to be levied by Distress and Sale thereof, by a Warrant from any one Justice of the Peace, or Chief Magistrate of any *Town-Corporate*; and in Default thereof, by Distress and Sale of the Goods of any Person in whose House the said Party dy'd, or of any Person that had a Hand in putting such Person into any Shirt, *&c.* contrary to this Act.

If the Party deceaſed was a Servant, then the ſaid Forfeiture to be levied on the Goods of the Maſter or Miſtreſs of ſuch Servant.

If the Party died in the Houſe of his or her Father or Mother, then to be levied, as aforeſaid, on the Goods of ſuch Father or Mother; which ſaid Forfeiture ſhall be allow'd out of the Party deceaſed his Eſtate, before any Statute, Judgment or Debt, or Legacy, or any other Duty whatſoever, due from the Deceaſed.

And in Caſe no ſuch *Affidavit* ſhall be brought to the Parſon where the Party was buryed, within the ſaid Eight Days, that he ſhall forthwith give Notice thereof in Writing under his Hand, to the *Churchwarden* or *Overſeers of the Poor* of the ſame Pariſh, who ſhall within Eight Days after ſuch Notice, repair to any Juſtice of the Peace of the County, or Chief Magiſtrate of any *Town-Corporate*, who ſhall forthwith grant his Warrant for the levying of the Forfeitures aforeſaid, on the Goods and Chattels of the Parties [illegible] mention'd; returning the Overplus to the Owner thereof, all reaſonable Charges being firſt deducted. One Moiety for the Uſe of the Poor of the Pariſh where the Offence was committed, and the other Moiety to the Informer.

Such *Parſon, Miniſter, Churchwarden*, or *Overſeers of the Poor*, or Juſtice of the Peace, or Chief Magiſtrate, as ſhall be negligent in the Execution of what is hereby required them, ſhall forfeit Five Pounds; to be recovered by ſuch Perſon as ſhall ſue for the ſame, as by Action of Debt, *&c.* So as it is commenced within ſix Months after the Offence ſhall be committed.

*Overſeers of the Poor*, in their Accompts, ſhall certifie the Juſtices of the Peace to whom they give the ſame, the Names and Qualities of all Perſons inter'd within their Pariſh, before they go out of their Office. [ 30 *Car.* 2*d.* *C.* 3. ]

By reaſon of the great Diſtance of the Inhabitants of Perſons before whom *Affidavits* are required to be made, by the former Act, therefore from and after the ſecond Day of *May*, *Anno Domini* 1680, where no Juſtice of the Peace ſhall reſide in the Pariſh where the Party is inter'd, the ſaid Oaths and *Affidavits* may be adminiſtred not only by Juſtices of the Peace or Chief Magiſtrates of *Town-Corporate*, as aforeſaid, but alſo by *Parſons*, *Vicars* and *Curates*, in every Pariſh or Chappel of Eaſe within the ſame (except ſuch *Parſon*, *Vicar*, or *Curate* as belongs to the Place where the Party was inter'd) who have the ſame Power as the Juſtices of the Peace, or Chief Magiſtrates had by the former Act. [ 32 *Car.* 2*d.* *C.* 1. ]

CHAP.

## CHAP. XXXVIII.

### *Butcher.*

IF any *Butcher*, or other Person, shall wilfully or negligently gash in Slaughter the Raw Hide of any Ox, Bull, Steer, or Cow, or the Skin of any Calf, and being so gash'd, &c. shall offer the same to Sale, shall forfeit 2 *s.* 6 *d.* for every Hide, and 1 *s.* for every Calf-skin: To be prosecuted by Two Justices. [9. *Q.* A. C. 11. *Sec.* 45.]

## CHAP. XXXIX.

### *Butter and Cheese.*

ALL Offences against this Act are to be determined by Two Justices of the Peace: But this relates only to Ports. [4. and 5 *W.* & *M.* C. 7.]

## CHAP. XL.

### *Buttons.*

FROM and after the 29th Day of *September*, *Anno Dom.* 1712, it shall not be Lawful for any Person within *Great Britain*, to use or wear on any Cloaths, Garments or Apparel, any *Buttons* or *Button-Holes* made of, or bound with *Cloth*, *Serge*, *Drugget*, or any other *Stuff*: Being convicted by the Oath of one or more credible Witnesses, or by Confession of the Party, shall forfeit Forty Shillings for every Dozen of such *Buttons* or *Button-Holes*, or proportionably for every greater or lesser Quantity. Any one or more Justice or Justices may, after such Information, summon the Person accused, and upon his Appearance or Contempt, may proceed by Warrant under his or their Hands and Seals, to appoint the Time for the Payment thereof: If not paid accordingly, then to levy the same by Distress and Sale of Goods, returning the Overplus,

Charges for Diſtraining being firſt deducted; one Moiety thereof to the *Informer*, and the other to the *Poor of the Pariſh* where the Offence was committed. Proſecution muſt be within One Month after the Offence.

Any wearing Apparel made of *Velvet* is excepted out of this Act.

[ 7th of King G. ]

## CHAP. XLI.

### *Callico.*

AFTER the 25th of *December*, 1722, it ſhall not be Lawful for any Perſon to uſe or wear in *Great Britain*, in any Garment or Apparel, any printed, painted, ſtained, or dyed *Callico*, on the Forfeiture of Five Pounds to the *Informer*, if Convicted by one or more Witneſſes before any Juſtice of the Peace, within ſix Days after the Offence. The Party muſt be ſummoned to appear before the Juſtice, and after to proceed by Warrant under his Hand and Seal, to levy the ſame by Diſtreſs and Sale of Goods. The Party aggrieved may appeal to the Quarter Seſſions.

No *Mercer*, *Draper* or *Upholder*, ſhall after the Time aforeſaid expoſe to Sale any ſuch *Callico*, or any Bed or Chair, Cuſhion, Window-Curtain, or other Furniture made up or mixt with ſuch *Callico*, unleſs for *Exportation*, and cleared Outwards accordingly. After the 25th of *December*, *Anno Dom.* 1722, no Perſon ſhall uſe in any Bed or Chair, or any other Furniture, any ſuch *Callico* as aforeſaid, except, as is herein after excepted, under the penalty of Twenty Pounds.

One Moiety of all *Pecuniary Penalties* by this Act (where the ſame ſhall not exceed Five Pounds) ſhall be to the *Informer*, and the other to the *Poor of the Pariſh* where the Offence was committed; and ſuch Penalties as are not herein directed, and not otherwiſe to be levied, ſhall be recover'd as by *Action of Debt*, with full Coſts of Suit, if ſued for within ſix Calendary Months after the Offence.

This Act ſhall not extend to any *Callicoes* which before the ſaid 25th of *December* ſhall be made up in any Furniture, provided the ſame ſhall be continued to be worn in ſuch Furniture, and not otherwiſe. Nor to alter any Law now in Force for prohibiting *Callicoes* printed,

printed, painted, dyed or ſtained, in Foreign Parts, or prohibiting any other Goods whatſoever.

The Prohibition of *Callicoes* intended by this Act, and the Penalties hereby inflicted for wearing or uſing of printed &c. *Callicoes*, in Apparel or Furniture, after the ſaid 25th Day of *December*, ſhall extend to any Stuff made of *Cotton*, or mix'd therewith, which ſhall be printed with any Flowers, or any *Callico* ſtained or ſtrip'd, or ſtitch'd or flower'd in Foreign Parts with any colour'd Flowers, or Colours made there (except *Muſlin Handkerchiefs* and *Fuſtians*) but under ſuch Limitations and ſuch Liberties as are mentioned in this or any other Act. *Callicoes* dyed *Blue*, are excepted out of this Act. [7. *G.*]

Enacted, That the Act made in the 11th and 12th of *W.* 3d. for the more effectual *Employment of the Poor*, ſhall not extend to any Silks, Bengals, or Stuffs mix'd with Silk of *Herba*; or painted, dyed, printed, or ſtained *Callicoes* manufactured in *Perſia*, *China*, or *East India*, which were made up or uſed in Furniture or Houſhold-Stuff before the 25th Day of *December*, *Anno Dom.* 1722. [10. *G.*]

## CHAP. XLII.

### *Cards and Dice.*

ONE Juſtice may take *Affidavit* of any Perſon or Perſons, declaring the Grounds of his or her Knowledge, or Suſpicion, That playing *Cards* or *Dice* are made, or cauſed to be made, in any Houſe or Place in *Great Britain*, without Notice thereof, in Writing, given to the *Commiſſioners of the Stamp Duties*, at their Head Office.

Upon *Affidavit* as aforeſaid, to grant his Warrant directed to an Officer of the Duties on *Cards* and *Dice*, to impower him, in the Day Time, and in the Preſence of a Conſtable, to break open the Door, or any Part of ſuch Houſe or Place where *Cards* or *Dice* are ſuſpected to be made, or making, and to enter ſuch Houſe or Place, and to ſeize all ſuch *Cards* and *Dice*, and Tools or Materials for making the ſame; and detain and keep the ſame in ſuch Houſe or Place as the *Commiſſioners of the Stamps* ſhall direct.

*Cards* and *Dice*, and Tools to be forfeited, unleſs claim'd or replevy'd in five Days, and ſold by the Direction of the Commiſſio-

ners; one Moiety to the King, and the other to the Party who diſcovered the ſame. [6. *G.* C. 21. *Sec.* 57.]

## CHAP. XLIII.

### *Carts.*

IF any Perſon ſhall maliciouſly and willingly Burn a *Cart* laden, or a Heap of Wood prepared for Coal, or Cut the Head of any Pond, or cut out the Tongue of any Tame Beaſt being alive, or the Ear or Ears of any Perſon, or Bark any Fruit Tree; for every ſuch Offence, ſhall looſe treble Damages to the Party griev'd, and pay Ten Pounds to the King. [37. *H.* 8. C. 6.]

## CHAP. XLIV.

### *Cattle and Corn.*

IF any Perſon ſhall in the Night Time, maliciouſly and willingly Burn, or cauſe to be Burnt or Deſtroy'd, any Ricks or Stacks of *Corn*, *Hay* or *Grain*, *Barns*, or other *Houſes*, *Buildings* or *Kilns*; or ſhall in the Night Time, maliciouſly and willingly kill and deſtroy any *Horſes*, *Sheep*, or other Cattle of any Perſon, ſuch Offence ſhall be adjudged *Felony*. The Offender hath Liberty to be tranſported, and if he returns in ſeven Years, he ſhall ſuffer Death as a *Felon*.

If any Perſon or Perſons ſhall in the Night Time maliciouſly and willingly maim, hurt, or wound any *Horſe*, *Sheep*, or other Cattle, though not kill'd or deſtroy'd thereby; or ſhall throw down any Incloſures, or pull up any Plantations, ſhall forfeit to the Owner thereof Treble Damages, to be recover'd by Action of *Treſpaſs*: Or three or more Juſtices of the Peace, whereof one is of the *Quorum*, may examine by the Oaths of Twelve Men, or more, of the ſame County, by ſummoning *Jurors*, and examining Witneſſes on Oath; and may apprehend ſuch Offenders, and bring in Witneſſes. If any Perſons that are likely to make Diſcovery ſhall refuſe to appear, the ſaid Juſtices may commit him or them to Goal, there to remain without

without Bail or Mainprise, until he or they shall submit to give Evidence on Oath. The Prosecution must be within six Months. [*23d. Car.* 2d. C. 7. & 19.] See more of throwing down Inclosures under Wood, the sixth of K. *George.*

By the 9th of K. *George*, Malicious maiming or wounding any Cattle is Felony.

No Cattle shall be bought but in Open Fair or Market, and those not sold again in the same Fair or Market, on Pain to forfeit double the Value thereof. No Butcher shall buy any Cattle and sell the same alive, on Pain to forfeit them. [3. & 4. *Ed.* 6.]

## CHAP. XLV.

### *Chocolate and Coffee.*

ENacted by the Authority of this Parliament, That if any Officer shall have Cause to suspect that any *Coffee*, *Tea*, *Cocoa-Nutts*, or *Chocolate*, shall be fraudulently conceal'd in any Place, either for keeping the same, not being enter'd (if within *London* or *Westminster*, or Bills of Mortality, on Oath before the Commissioners for those Duties) or if within any other Part of *Great Britain*, before a Justice of the Peace, setting forth the Ground of his Suspicion, such Justice may impower him by a Special Warrant, either by Day or Night, (but if in the Night with Assistance of the Constable of the Parish) to enter into all suspected Places, and seize and carry away all *Coffee*, *Tea*, *Cocoa-Nutts*, or *Chocolate*, as forfeited, with all Bags or other things containing the same.

And if any Person shall be minded to make any Quantity of *Chocolate* at their own Houses for their private Use only, he must give Notice to the Officer three Days before his beginning to work, specifying the Quantity of the *Cocoa Nutts* design'd to be made into *Chocolate*, and the Name of the Person employ'd therein, and the Place where; and the Officer shall give a Permission in Writing, *Gratis*, for making such Quantity of *Chocolate*, and the Place shall not be liable to be visited by the Officer. But if within three Days after finishing the making of such *Chocolate*, if it be not Enter'd on Oath, and brought to the Office to be stamp'd, and the Duty paid, the *Chocolate* shall be forfeited, and Treble the Value thereof.

No

No Person may make into Chocolate for his private Use, any less Quantity than half a Hundred Weight at a Time. [9. & 10. W. 3. c. 23. Cu. 2d. C. 7. & 19.]

## CHAP. XLVI.

### Church.

If any Person shall, by Words only, quarrel, chide or brawl in any Church or Church-Yard, if he is a Layman he shall be suspended *ab Ingressu Ecclesiæ*; if a Cleric, then from the Ministration of his Office for so long Time as the Ordinary shall think fit. If any Person shall Maliciously strike another, with any Weapon, in any Church or Church-Yard, or shall draw any Weapon with an Intent to strike another therewith, if convicted thereof by two Witnesses, or his own Confession, before Justices of Assize, or Justices of the Peace in their open Sessions, shall have one of his Ears cut off; if he hath none, he shall be mark'd in the Cheek with the Letter *F.* and be Excommunicated. [5. & 6. *E.* 6. C. 4.]

Going to Church, see *Lord's Day* and *Religion.*

## CHAP. XLVII.

### Clergy.

Any Person having the Benefit of *Clergy*, and being committed to the House of Correction, who shall make his Escape out of Prison, and be retaken, shall be by two Justices committed to some House of Correction, or Publick Work-House in the County where he shall be taken, without Bail or Mainprise, for no less Time than Twelve Months, nor more than Four Years, to be kept to hard Labour. [5. *A.* 6.]

CHAP.

# CHAP. XLVIII.

## Cloth.

NO Cloaths made beyond Sea shall be brought into this Kingdom, upon the Forfeiture of the same, and further punisht according to the King's Pleasure: *Ireland* and *Wales* are excepted. [11. *Ed.* 3. C. 3.]

*Carder*, *Spinster*, *Weaver*, *Fuller*, *Shearman*, and *Dyer*, are to perform their Duties under the Penalty of double Damages; One Justice of the Peace may hear and determine their Offences, and commit the Offenders to Prison till paid. [4. *Ed.* 4. C. 1.]

Be it enacted by the Authority of this Parliament, That in every *Town*, *Village* or *Hamlet*, being not Corporate, where any Cloth shall be made or sold, the Justices of Peace of the same Shire where any such *Town*, *Village*, or *Hamlet* is, or two of them at the least: And in every *City*, *Borough*, or *Town-corporate*, the Head Officer or Officers of every of the same *City*, *Borough*, or *Town-corporate*, together with the Wardens of the Cloth-workers, or two of them at the least, shall have full Power and Authority by Vertue of this Act, once every Year to convene, and call before them by their Precept, or otherwise, two, four, six, eight or more, as they shall think good by their Discretion, of the most honest, discreet, and indifferent Men of every such *City*, *Borough*, *Town*, *Village* or *Hamlet*, where any Cloth shall be made or sold, and them shall constitute, ordain, and appoint to be Overseers, for one whole Year then next following, within the *City*, *Borough*, *Town*, *Village*, or *Hamlet*, where the same Overseers shall be dwelling, charging them also upon their Oaths, and as they do tender the Honour of the Realm, and the Common Wealth of the same, that they do endeavour themselves for that Year, as much as in them shall lye, to see that this Statute be truly observed and kept within the Limits of their Charge in every Part thereof. [3. & 4. *Ed.* 6. C. 2. *Sec.* 9.]

Be it enacted by the Authority of this present Parliament, That all and every such lewd Person and Persons, who shall at any time after twenty Days next after the End of this Session of Parliament, unjustly, falsely, or deceitfully convey away, imbezzle, purloin, sell, or detain any part of the Wool or Yarn, delivered by any Clothier, Maker of Bayes, Sayes, or by any other Person or Persons

ſons, making any ſuch Cloths or Stuffs, to any ſuch Sorter, Carder, Kember, Spinſter, or Weaver of Wool or Yarn, That in every ſuch Caſes, as well the Sorter, Carder, Kember, Spinſter, and Weaver ſo offending, as the Buyer and Buyers, Receiver and Receivers of the ſame, knowing the ſame, being thereof Lawfully convicted, (by Confeſſion of the Party or Parties ſo offending, or by one ſufficient Witneſs upon Oath before two or more of the King's Majeſties Juſtices of the Peace of the ſame County or Liberty where the Offence or Offences ſhall be committed, or if it be within a *Town-Corporate*, before the Mayor, Bailiff, or Chief Officer, and one or more of the Aldermen, or moſt ſubſtantial Perſons of the ſaid Town, who ſhall by Force of this Act have full Power and Authority to miniſter the ſame Oath, and finally to hear, end and determine all and every the Offences aforeſaid) ſhall give and make to the Party and Parties grieved, ſuch Recompence and Satisfaction for ſuch their Damage and Loſs, as by the ſaid Juſtices, or Chief Officers, ſhall be ordered and appointed. And if the Party or Parties ſo offending ſhall not be thought, in the Diſcretion of the ſaid Juſtices, or Chief Officers, able, or ſufficient, or do not make Recompence or Satisfaction for the ſame Offence or Offences, in ſuch Manner and Form, as by the ſaid Juſtices, or Chief Officers ſhall be ordered and appointed, as aforeſaid, Then the Party or Parties offending, for the firſt Offence to be apprehended and whipp'd, or ſet in Stocks in the Place where the Offence is committed, or in ſome Market-Town in the ſaid County, near unto the Place where the Offence or Offences aforeſaid ſhall be committed, as ſhall be limited and appointed by the ſaid Juſtices of the Peace, or Chief Officers: And for the ſecond Offence, to incur the like or ſuch further Puniſhment by Whiping, or being put in the Stocks, as the ſaid Juſtices of the Peace, or Chief Officers, ſhall in their Diſcretion think fit and convenient. [7 *F.* 1. *C.* 7. *S.* 2.]

If any Perſon or Perſons imployed in working up of Woollen, Linnen, or Fuſtian, or Iron Manufactures, ſhall imbezzle the Materials they work upon, or Reel ſhort, or return falſe Yarn, and are convicted thereof by Oath, or Confeſſion before two Juſtices, ſuch Perſon ſhall forfeit double Damages to the *Poor of the Pariſh*, and be committed unto the Houſe of Correction until Satisfaction ſhall be made to the Owner; and if ſuch Perſon ſhall not be able to make Satisfaction, then to be whipp'd, and kept to hard Labour for Fourteen Days.

And

And all Wool delivered to Labourers to be work'd, shall be deliver'd out with full Declaration of Weight, upon pain of Forfeiture to the Labourer double the Value of the Work.

All Demands of Labourers for such Work as aforesaid, shall be heard and determined by two Justices of the Peace of the County. Persons agrieved may appeal to the next Quarter Sessions. [1. *A.*]

*This Act is made perpetual by the 9th of Queen* Ann.

Enacted, That all Medley Cloth shall be measur'd at the Fulling-Mill after it is fully wetted; and if any Clothier shall, after the Cloth is fully wet, and stampt, stretch the same above one Yard in twenty in Length, and above one Nail in Breadth, he shall forfeit Twenty Shillings. And every Mill-Man shall have in his Mill a Table or Board, Twelve Foot long and Three Foot wide, whereon the Cloth shall be prest and made plain, upon the Forfeiture of Ten Pounds.

All Offences relating to this Act, shall be heard and determin'd by One or more Justice or Justices of the Peace (if the Justice is not concern'd therein) by the Oaths of one or more Witnesses. One Moiety of the Forfeiture being to the Informer, and the other to the *Poor of the Parish* where the Offence was committed; to be levyed by his or their Warrant on the Goods of the Offender, to be kept Fourteen Days; and then if not redeem'd to be sold, returning the Overplus: And for want of sufficient Distress, to be sent to the House of Correction for Three Months. Prosecution must be within Thirty Days after the Offence.

Any *Owner* or *Master* of a Fulling-Mill that shall refuse to take the *Oath* required by this Act; or if any Person shall deface or alter the Seal after set on the Cloth, being convicted by the Oath of one or more Witnesses, shall forfeit Twenty Pounds, to be levyed by Warrant from one or more Justice or Justices of the Peace; and for want of sufficient Distress, shall be sent to the House of Correction, or Common Goal, there to be kept to hard Labour for three Months.

All Clothiers that shall in lieu of Payment for Wages in Money impose on any Workman Goods or Wares, shall forfeit Forty Shillings, to be levy'd as aforesaid. [10. *Q. A.*]

### The Oath of a Fuller.

I *A. B. do Swear, That I will Well and Truly execute my Office of a Fuller, in measuring of all Medley Cloth which shall be brought*

*to my Fulling-Mill; and perform all other things belonging to my Office of a Fuller, according to the Act of Parliament in that Case made.*

So help me God.

## CHAP. XLIX.

### *Cloaths.*

BE it enacted by the Authority of this preſent Parliament, That if any Perſon ſhall willfully and maliciouſly aſſault another in the publick Streets or High-ways, with an Intent to tear, ſpoil, cut, or burn, or deface; or who ſhall tear, ſpoil, cut, burn, or deface the Garments or Cloaths of any Perſon, being convicted by the Oath of one Witneſs, ſhall be guilty of Felony, and be tranſported for Seven Years. [ 6. G. C. 23. S. 11. ]

## CHAP. L.

### *Coin.*

*Counterfeiting of ſtrange Coins, &c. adjudged Treaſon.*

BE it Enacted by our Sovereign Lady the Queen, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That if any Perſon or Perſons hereafter falſely forge and counterfeit any ſuch kind of Coin of Gold or Silver, as is not the proper Coin of this Realm, and is or ſhall be currant within this Realm, by the Conſent of the Queen, her Heirs or Succeſſors; Or if any Perſon or Perſons, at any time hereafter, do falſely forge or counterfeit the Queen's Sign Manual, privy Signet, or privy Seal, that then every ſuch Offence ſhall be deemed and judged High Treaſon, and the Offenders therein, their Councellors, Procurers, Aiders and Abetters, being Convict, according to the Laws of this Realm, of any of the ſaid Offences, ſhall be likewiſe deemed and adjudged Traytors againſt the Queen, her Heirs and Succeſſors, and

the

the Realm, and ſhall ſuffer and have ſuch pains of Death, Forfeiture of Lands, Goods, and Chattels, and alſo loſe the Privilege of all Sanctuary, as in Caſe of High Treaſon it is uſed and ordained. [*Anno primo Mariæ*, C. 6.]

## CHAP. LI.

*Bringers in of counterfeit Coin into this Realm ſhall be puniſhed as Traytors.*

BE it Enacted and Eſtabliſhed by the Authority of this preſent Parliament, That if any perſon or perſons after the 20th Day of *January* next coming, ſhall bring from Parts beyond the Sea into this Realm, or into any the Dominions of the ſame, any ſuch falſe and counterfeit Coin of Money, being currant within this Realm as is aforeſaid, knowing the ſame Coin or Money to be falſe and counterfeit, to the Intent to utter, or make Payment with the ſame within this Realm, or any the Dominions of the ſame, by Merchandizing or otherwiſe, That all and every ſuch perſon or perſons ſo offending as is aforeſaid, their Counſellers, Procurers, Aiders, and Abetters in that behalf, ſhall be deemed and judged to be Offenders in High Treaſon, and ſhall ſuffer after lawful Conviction or Attainder thereof, ſuch pains of Death, Loſs and Forfeiture of Lands, Goods and Chattels, as other Offenders ſhall do, in Caſes of High Treaſon.

And be it further Enacted by the Authority aforeſaid, that all and every perſon and perſons, that ſhall at any time after the ſaid 20th Day of *January*, be accuſed or impeached of any of the Offences contained and provided for in this Statute, or of any other Offence or Offences, concerning the impairing, counterfeiting, or forging of any Coin currant within this Realm, ſhall and may be indicted, arraigned, tryed, convicted, or attainted by ſuch like Evidence, and in ſuch Manner and Form, as hath been uſed and accuſtomed within this Realm, at any time before the firſt Year of the Reign of our late Sovereign Lord, King *Edward* the ſixth, any Statute, Cuſtom, Law, or Uſage to the contrary thereof in any wiſe notwithſtanding. *St.* 9. *Ed.* 3. 2. [*Anno primo & ſecundo P. & M.*]

## CHAP. LII.

### *Clipping of* Coins, *&c. ſhall be High Treaſon.*

BE it Enacted by the Authority of this preſent Parliament, That clipping, waſhing, rounding, or filing for wicked Lucre or Gaines ſake, of any the proper Monies or Coins of this Realm, or the Dominions thereof, or of the Monies that come of any other Realm, allowed and ſuffered to be currant within this Realm, or the Dominions thereof at this preſent, or that hereafter at any time ſhall be the lawful Monies or Coins of this Realm or of the Dominions thereof, or of any other Realm, and by *Proclamation* allowed and ſuffered to be currant here, by the Queen's Majeſty, her Heirs or Succeſſors, ſhall be taken, deemed and adjudged by Vertue of this Act to be Treaſon, and the Offenders therein, their Counſellors, Conſenters and Aiders, ſhall be taken, deemed and adjudged as Offenders in Treaſon, and being thereof lawfully convicted or attainted, according to the due Order and Courſe of the Laws of this Realm, ſhall ſuffer Pains of Death, and loſe and forfeit all his and their Goods and Chattels, and alſo ſhall loſe and forfeit all his and their Lands and Tenements, during his and their natural Life or Lives.

They who have the Forfeitures of Lands or Goods by Grant, ſhall enjoy them. For theſe Offences, no Corruption of Blood nor Loſs of Dower. A *Peer* guilty of theſe Offences muſt be tryed by his *Peers*. [*Anno quinto R. E.* C. 11.]

## CHAP. LIII.

### *It is Miſpriſion of High Treaſon to Forge Money, which is not the Coin of this Realm, nor current therein.*

FOraſmuch as by the Laws or Statutes of this Realm, ſmall or no condign Puniſhment is at this Time provided for ſuch evil diſpoſed Perſons as ſhall counterfeit or forge ſuch kind of Gold or Silver of other Realms, as is not the proper Coin of this Realm, nor currant in Payment within this Realm; by reaſon whereof divers evil diſpoſed Perſons, as well without this Realm as within, are encou-

encouraged and emboldened daily to counterfeit or forge ſuch kind of Gold and Silver, and utter the ſame in this Realm, in great Deceit of her Majeſty's Subjects, Be it enacted by our ſaid Sovereign Lady the Queen, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That if any Perſon or Perſons, hereafter falſely forge or counterfeit any ſuch kind of Coin of Gold or Silver, as is not the proper Coin of this Realm, nor permitted to be current within this Realm; that then every ſuch Offence ſhall be deemed, and judged Miſpriſion of High Treaſon, and the Offenders therein, their Procurers, Aiders and Abettors, being convict according to the Laws of this Realm of ſuch Offences, ſhall be impriſoned, and forfeit ſuch Lands, Goods and Chattels, as in Caſes of Miſpriſion of Treaſon for Concealment of High Treaſon. [ 14. *Eliz. C.* 3. ]

## CHAP. LIV.

*Diminiſhing, Skaling, or Lightning of any Coin current within this Realm, ſhall be High Treaſon.*

BE it enacted, declared, and eſtabliſhed by Authority of this preſent Parliament, That if any Perſon or Perſons, of what Eſtate, Degree, or Condition ſoever he or they be, ſhall from and after the firſt Day of *April* next coming, for wicked Lucre or Gains Sake, by any Art, Ways, or Means whatſoever, impair, diminiſh, falſifie, ſeal, or lighten the proper Moneys or Coins of this Realm, or any the Dominions thereof, or the Moneys or Coins of any other Realms, allowed and ſuffered to be current at the Time of the Offence committed, within this Realm of *England*, or any the Dominions of the ſame, by the Proclamation of the Queen's Majeſty, her Heirs or Succeſſors, ſhall be taken, adjudged, and deemed to be Treaſon, and the Offenders therein, their Counſellors, Conſenters, and Aiders, ſhall be likewiſe deemed and adjudged as Offenders in Treaſon, and being thereof lawfully convicted or attainted, according to the due Order of the Laws of this Realm, ſhall ſuffer Pains of Death, and loſe and forfeit all their Goods and Chattels to the Queen's Majeſty, her Heirs and Succeſſors, and ſhall alſo loſe and forfeit to the Queen's Highneſs, her Heirs and Succeſſors, all their Lands, Tenements, and Heriditaments, during his or their natural

natural Life or Lives. No Corruption of Blood, or Forfeiture of Dower for this Treason. Tryal of a Peer, by his Peers. [ 18. E. 6. 1. ]

Commendable

## CHAP. LV.

*An Act to prevent the Inconvenience by Melting the Silver Coin of this Realm.*

BE it enacted by the Kings moſt Excellent Majeſty, by and with the Advice and conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by Authority of the ſame, That no Perſon or Perſons whatſoever, ſhall after the Twentieth Day of *December*, 1662. wilfully Melt, or cauſe to be Melted any of the currant Silver Money of this Realm, upon Pain not only of Forfeiture of the ſame, but alſo of the double Value of any ſuch Coin ſo Melted; the one half to his Majeſty, his Heirs and Succeſſors, the other half to the Informer, who ſhall Sue for the ſame upon Action of Debt, Bill, Plaint or Information in any of his Majeſties Courts at *Weſtminſter*; in which no Eſſoin, Wager of Law, or Protection ſhall be allowed: And moreover, that the ſaid Perſon or Perſons offending contrary to the Tenor of this Act, (if he or they be a Freeman, or Freemen, or priviledged Perſon or Perſons of any City or Corporation within this Kingdom of *England*) ſhall upon legal Conviction for the ſame, be forthwith diſfranchiſed and made uncapable of exerciſing the Trade of a Goldſmith or any other Miſtery by Vertue of the Privileges of the City or Corporation of which he or they are Members: And if the ſaid Perſon or Perſons offending, and convict as aforeſaid, ſhall not be a Freeman or Freemen, or priviledged Perſon or Perſons of any City or Corporation as aforeſaid, then he or they ſhall ſuffer Impriſonment without Bail or Mainprize for the Space of Six Months next enſuing his or their Conviction as aforeſaid. [ 13. & 14. of *C.* 2. *C.* 31. ]

Whoſoever ſhall receive in Payment any crackt Money, being the currant Coin of this Kingdom, ſhall forfeit Five Pounds, to be recovered as by an Action of Debt, in any of his Majeſty's Courts of Record. No Perſon ſhall buy or ſell, or knowingly have in his Cuſtody or Poſſeſſion, any Clippings or Fileings of the currant Coin of this Kingdom, under the Penalty of forfeiting 500 *l.* to the King

King and Informer, and to be branded in the Right Cheek with the Letter *R.* with a hot Iron, and be imprison'd until Payment.

And if any Broker, being a Tradesman or a Goldsmith, or Refiner, shall buy or sell any Bullion, or molten Silver, shall suffer Six Months Imprisonment without Bail.

Whosoever shall take or apprehend any Person who counterfeits any of the Coin of this Kingdom, and prosecute such Offender to Conviction, such Person shall receive from the Sherriff of the County, within one Month after such Conviction, the Sum of Forty Pounds, upon his producing the Judge's Certificate: The Sherriff for refusing such Payment, shall forfeit double the Sum and treble Costs.

Any Person guilty of Clipping, who shall discover Two or more of the like Criminals, so as they shall be convicted thereof, such Discoverer shall have his Pardon, and if he is an Apprentice he shall have his Freedom.

After the First of *May*, 1696, no Person that keeps an Inn, Tavern, Ale-house or Victualling-House, shall publickly use, or expose to be used, any manufactured Plate whatsoever, except *Spoons*, under the Penalty of forfeiting the same, or the full Value thereof, to any Person that will sue for the same.

If any Person whatsoever (other than the Officers of his Majesty's Mint) shall have any Press for Coinage, the same shall be seized, and the Person in whose Custody the same shall be found, shall forfeit Five Hundred Pounds; one Moiety to the King, and the other Moiety to him that shall sue for the same in any of the King's Courts. [5. *W. & M.*]

For preventing the counterfeiting the Coin of this Kingdom, it is enacted, That after the 15th of *May*, 1697, no Smith, Ingraver, Founder, or other Person whatsoever, (except such as imploy'd in his Majesty's Mints, for the Use of the said Mints only, or Persons lawfully authoriz'd by the Lords of the Treasury) shall knowingly make or mend any Punchion, Counter-Punchion, Matrix, Stamp, Dye, Pattern or Mold of Steel, Iron, Silver, or other Mettal, or of Spane, or fine Powders of Earth or Sand, or other Materials whatsoever, by which may be made or impress the Figure, Stamp, or Similitude of both or either Side of any Gold or Silver Coin currant within this Kingdom; or make or mend any Edger, Instrument, or Engine contrived for making of Money round the Edges with Letters or Grainings, or other Marks resembling those on the Edges of Money coined in the King's Mint, nor any Press for

for Coinage, or cutting Engine for cutting Rounds, Blanks, not knowingly buy, ſell or hide; or without Lawful Authority or Excuſe, have in his Houſe or Poſſeſſion any ſuch Tool or Inſtrument as aforeſaid, any Perſon or Perſons whatſoever (except as before) who ſhall offend in any of the Crimes aforeſaid, every ſuch Offender, his Aiders and Abetters, ſhall be Guilty of High Treaſon.

And if any Perſon after the ſaid 15th Day of *May*, ſhall without Lawful Authority, willingly convey out of any of the King's Mints any of the ſaid, or other Inſtruments, uſed about Coining, of Money there, or any uſeful Part of ſuch Inſtruments, ſuch Perſon ſo offending, his Aiders and Abetters, ſhall be Guilty of High Treaſon.

If any Perſon (other then ſuch as are imploy'd in the Kings Mints, or who have any Authority from the Lords of the Treaſury) ſhall, after the time aforeſaid Mark on the Edges of any the current Coin of this Kingdom, or any diminiſht Coin of this Kingdom with Letters, Grainings, or other Marks like thoſe on the Edges of Money coin'd at the Kings Mint; every ſuch Offence ſhall be High Treaſon, and the Offenders ſhall ſuffer accordingly.

If any Perſon, after the time aroreſaid, ſhall Colour, Guild, or Caſe over with Gold or Silver, or Waſh, or uſe Materials producing the Colour of Gold or Silver, any Coin reſembling the current Coin of this Kingdom, or any round Blanks of baſe Metal, or of concife Gold or Silver, of the ſize of mill'd Money, or Guild over Silver Blanks to be Coin'd into Pieces reſembling the Current Gold Coin of this Kingdom; every ſuch Perſon, his Aiders and Abettors ſhall be Guilty of High Treaſon.

If any Punch or Dye, *&c.* uſed or deſigned for Coining or Counterfeiting of Gold or Silver Money, ſhall at any time after the ſaid 15*th* of *May*, be hid, conceal'd, or found in the Houſe or Poſſeſſion of any Perſon, not imploy'd in the King Mints, or having the ſame by ſome lawful Authority, any Perſon may ſeize the ſame, and carry them forthwith, (on whom they ſhall be found) to ſome Juſtice of the Peace to be produced in Evidence againſt the Perſons, who ſhall or may be proſecuted for ſuch Offence, and after producing the ſame in Evidence, they ſhall be totally defaced and deſtroyed in the Preſence of the ſame Juſtice of the Peace.

And if after the ſaid 15*th* of *May*, any Counterfeit or Diminiſh'd Money ſhall be produced in Evidence or otherwiſe, that immediately after the ſaid Money ſhall be cut in Pieces in open Court, or in the Preſence of ſome Juſtice of the Peace, and then delivered to the right Owner.

If

If any Perſon after the ſaid Time ſhall blanch Copper for Sale, or mix blanched Copper with Silver, or knowingly buy or ſell, or offer to ſell ſuch, or buy or ſell any malleable Compoſition or Mixture of Mettals or Minerals, which ſhall be heavier than Silver, and look and wear like Standard Gold, but be manifeſtly worſe than Standard; or ſhall receive or pay, or put off any mill'd Money that is counterfeited, or mill'd Money unlawfully diminiſhed, and not cut in Pieces, at a lower Rate than the ſame by its Denomination ſhall import, every ſuch Perſon ſhall be guilty of Felony, and ſuffer Death as in caſe of Felony. This Act ſhall not extend to make any Corruption of Blood or Loſs of Dower. [ 8. & 9. *W.* 3. ]

*This Act is continued by the Seventh of Q.* A. *and enacted*, That the Proſecutions againſt Offenders may be at any Time within ſix Months.

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After the 10th of *January*, 1697, no hammer'd ſilver Coin of this Kingdom ſhall be eſteemed Lawful Coin of this Realm, nor be currant in any Payment, at any Rate or Value, by Weight or otherwiſe, nor the Tender thereof be Lawful. [ 8. *W.* 3. *C.* 2. ]

Any Perſon to whom any Piece or Pieces of ſilver Money ſhall be tendered being diminiſht, otherwiſe than by wearing, or by the Stamp, Impreſſion, Colour or Weight, ſuſpected to be Counterfeit, may cut, break, or deface ſuch Piece or Pieces, and thereupon appearing Counterfeit, the Tenderer ſhall bear the Loſs; but being of due Weight, and appearing Lawful Money, the Perſon who cut it ſhall take it for what it was coined. If any Diſpute ſhall ariſe, whether the Piece ſo cut be Counterfeit, it ſhall be determined by the Mayor, Bailiffs, or Chief Officer of the Place where tendered, if in a *City* or *Town-Corporate*; if not, then by the next Juſtice of the Peace of the County.

Tellers of the Exchequer, their Clerks, and Receivers General of his Majeſty's Revenues, ſhall cut, break, and deface all Counterfeit Money, or unlawful diminiſht Money, and ſhall weigh all ſuch ſilver Money. [ 9. & 10. *W.* 3. *C.* 2. ]

No Perſon or Perſons ſhall after the 24th of *June*, *Anno Dom.* 1699, coin or make, or cauſe to be coin'd or made, any Farthings or Half-pence of Copper, or any other Mettal whatſoever, on pain of forfeiting Five Pounds for every Averdupoize Weight of ſuch Farthings or Half-pence ſo coined, one Moiety to the King, and the other Moiety to him that will Sue for the ſame. [ 9*th* & 10*th* *W.* 3. ]

*By the 7th of Queen Anne, all Acts of Parliament against Counterfeiting and diminishing of the King's Coin are repealed.*

## CHAP. LVI.

### *Conspiracies.*

CONspiracies of Butchers, Brewers, Bakers, Poulterers, Cooks, Coller-mongers, or Fruiterers, are to be punished by Quarter Sessions. [5 & 6 E. 6. C. 15.]

*No Occasion to mention* Conventicles *since the Act of* Toleration.

## CHAP. LVII.

### *Constables.*

CONstables and Tythingmen that shall refuse to appear at the Justices Sessions, relating to Vagabonds, shall forfeit Forty Shillings. [32 Eliz.]

## CHAP. LVII.

### *At whose Charge an Offender shall be conveyed to the Goal.*

WHEREAS his Majesties honest and loving Subjects are much charged and burthened in conveying *Felons*, and other *Malefactors* and *Offenders*, against his Majesties Laws and Statutes, unto the Goal, punishable by Imprisonment there, the said *Felons* and other *Malefactors* and *Offenders* having Goods and Chattels of their own, whereby to defray the same Charge themselves, to the great Encouragement of such *Malefactors* and *Offenders* in their said wicked and bad Courses, and to the Discouragement of his Majesties said honest and loving subjects in prosecuting the said *Malefactors* and *Offenders* to be punished according to their demerits: Be it enacted by the Kings most excellent Majesty, the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by Authority of the same, that all and every Person and Persons

ſons whatſoever, that from and after the end of this preſent Seſſion of Parliament, ſhall be Committed to the common or uſual Goal, within any County or Liberty within this Realm, by any Juſtice or Juſtices of the Peace, for any *Offence* or *Miſdemeanor*, that the ſaid Perſon or Perſons ſo to be Committed as aforeſaid, having means or ability thereunto, ſhall bear their own reaſonable Charges for ſo receiving or ſending them to the ſaid Goal, and the Charges alſo of ſuch as ſhall be appointed to Guard them to ſuch Goal, and ſhall ſo Guard them thither. And if any ſuch Perſon or Perſons ſo to be Committed as aforeſaid, ſhall refuſe at the time of their Commitment and ſending to the ſaid Goal, to defray the ſaid Charges, or ſhall not then pay or bear the ſame, that then ſuch Juſtice or Juſtices of the Peace ſhall and may by Writing under his or their Hand and Seal, or Hands and Seals, give Warrant to the *Conſtable* or *Conſtables* of the *Hundred*, or *Conſtable* or *Tythingman* of the *Tything* or *Townſhip*, where ſuch Perſon or Perſons ſhall be Dwelling and Inhabit, or from whence he or they ſhall be Committed as aforeſaid, or where he or they ſhall have any Goods within the County or Liberty, to Sell ſuch and ſo much of the Goods and Chattels of the ſaid Perſons ſo to be Committed, as by the Diſcretion of the ſaid Juſtice or Juſtices of the Peace, ſhall ſatisfie and pay the Charges of ſuch his or their conveying and ſending to the ſaid Goal, the Appraiſement to be made by Four of the Honeſt Inhabitants of the *Pariſh* or *Tything* where ſuch Goods and Chattles ſhall remain and be, and the Overplus of the Money which ſhall be made thereof, to be delivered to the Party to whom the ſaid Goods ſhall belong.

And be it further enacted by the Authority aforeſaid, That if the ſaid Perſon or Perſons ſo to be committed as aforeſaid, ſhall not have, or be known to have any Goods or Chattles which may be Sold for the Purpoſe aforeſaid, within the County or Liberty, that then an indifferent Tax or Aſſeſſment ſhall be made by the *Conſtables* and *Churchwardens*, and Two or Three Honeſt Inhabitants of the *Pariſh*, *Town* or *Tything*, where the *Offender* or *Offenders* ſhall be taken or apprehended, the ſaid Taxation being allowed under the Hand of one or more Juſtice or Juſtices of the Peace, if there be ſuch *Conſtable* or *Churchwardens* there inhabiting, and in default of them, by Four of the Principal Inhabitants of the ſaid *Pariſh*, *Townſhip* or *Tything*, where ſuch *Offenders* ſhall be taken or apprehended. And if any ſo Taxed or Aſſeſſed, ſhall refuſe to pay their ſaid Taxation, then the Juſtice or Juſtices of Peace, by whom the ſaid *Offenders* ſhall be committed to Priſon as aforeſaid, or any other Juſtice of the Peace

near adjoining, ſhall and may give Warrant as aforeſaid to the *Conſtable*, *Tythingman*, or other *Officer*, there to diſtrain the Goods of any ſo Aſſeſſed, which ſhall refuſe to pay the ſame, and to ſell the ſame, and that ſuch Perſon or Perſons ſo Authorized, ſhall have full Power and Authority ſo to Diſtrain, and by Appraiſement of Four ſubſtantial Inhabitants of the ſaid Place, to ſell a Sufficient quantity of the Goods and Chattles of the ſaid Perſon ſo refuſing, for the levying of the ſaid Taxation. And if any *Overplus* of *Money* come by the Sale thereof, the ſame to be delivered to the Perſon or Perſons, Owner or Owners thereof.

The Defendants Plea in an Action brought for any thing done by Force of this Act.

The Defendant ſhall recover treble Damages and Coſt of Suits. [2. *Jac. c.* 10.]

By the 13*th* and 14*th Car.* 2. C. 12. A Law was made to Repay *Conſtables*, for conveying of *Vagabonds* to the Houſe of *Correction*; but by the laſt Act againſt *Vagrants*, the Charges are paid by the County. *See Vagrants.*

If any *Conſtable* ſhall Dye, or go out of the Pariſh or Place for which he is appointed to ſerve, any Two Juſtices of the Peace may appoint and Swear another fit Perſon, untill the Lord of the Manor ſhall keep a Court Leet, or until the next General Quarter Seſſions of the Peace, who may approve of him, or appoint another, as they ſhall think fit.

And if any *Conſtable* or *Tythingman* ſhall continue in his Office above one Year, the Quarter Seſſions may Diſcharge them, and appoint another, until a Court Leet ſhall be held as aforeſaid.

If any Perſon diſſenting from the Church of *England*, ſhall be choſen to be a *High-Conſtable*, *Petty-Conſtable* or *Church-Warden* or *Overſeer* of the *Poor*, and ſhall Scruple to take upon him any of the ſaid Offices, in reſpect of an Oath, or any other thing required by Law, he may execute the ſame by a Deputy, that will take the Oath, and be approv'd off by the Juſtice that doth Adminiſter the ſaid Oath. [1. *W. & M. c.* 10.]

Diſſenting Perſons excuſed to ſerve on Juries, or any Parochial Offices. *See Religion.*

*Conſtables* by a Warrant from a Juſtice of the Peace, muſt pay Two Shillings, to the Perſon that ſhall apprehend *Vagabonds*. They have Power to break open the Doors of any Houſe, by a Warrant of the Peace in Caſe of Felony or Treaſon. [13. & 14. *Car.* 2. *c.* 12.]

And

And in Search after Venison; and by the 5th of Queen *Anne*, in Search after Game, Fish and Fowl.

Surgeons in *London*, shall be exempted from bearing the Office of *Constable*, or any other Office. [5. *H.* 6.]

Physicians are discharged from bearing the Office of *Constable*, or any other Office in *London* or *Suburbs*. [23. *H.* 8.]

## CHAP. LIX.

*Penalty for Building a Cottage, without Four Acres of Land to it, and the like for placing or suffering Inmates.*

FOR the avoiding of the great Inconveniencies which are found by Experiences to grow by the Erecting and Building of great Number of *Cottages*, which are daily more and more increased in many Parts of this Realm: Be it enacted by the Queens most excellent Majesty, and the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, That after the end of this Session of Parliament, no Person shall within this Realm of *England*, Make, Build or Erect, or cause to be Made, Builded or Erected, any manner of *Cottage* for *Habitation* or *Dwelling*, nor convert or ordain any Building or Building, made, or hereafter to be made, to be used as a *Cottage* for *Habitation* or *Dwelling*, unless the same Person do assign and lay to the same *Cottage* or *Building*, Four Acres of Ground at the least, to be accompted according to the Statute or Ordinance *de terris mensurandis*, being his or her own Freehold and Inheritance, lying near to the said *Cottage*, to be continually occupied and manured therewith, so long as the same *Cottage* shall be inhabited, upon Pain that every such Offender shall Forfeit to our Soveraign Lady the Queen's Majesty, her Heirs and Successors Ten Pound of Lawful Money of *England*, for every such Offence.

And be it further Enacted by the Authority aforesaid, that every Person which after the end of this Session of Parliament, shall wilfully uphold, maintain, and continue any such *Cottage* hereafter to be erected, converted or ordained for *Habitation* or *Dwelling*, whereunto Four Acres of Ground as is aforesaid, shall not be assigned and laid to be used and occupied with the same, shall Forfeit to our said Sovereign Lady the Queen's Majesty, Her Heirs and Successors,

Forty

Forty Shillings for every Month that any ſuch *Cottage* ſhall be by him or them upholden, maintained and continued.

Provided alſo, and be it enacted, that from and after the Feaſt of *All Saints* next coming, there ſhall not be any Inmate, or more Families or Houſholds than one, Dwelling or Inhabiting in any one *Cottage*, made, or to be made or erected, upon pain that every Owner or Occupier of any ſuch *Cottage*, placing or willingly ſuffering any ſuch Inmate, or other Family then one, ſhall Forfeit and Loſe to the Lord of the Leet, within which ſuch *Cottage* ſhall be, the Sum of Ten Shillings of lawful Money of *England*, for every Month that any ſuch Inmate, or other Family than one ſhall dwell or inhabit in any one *Cottage* as aforeſaid. And that all and every Lord and Lords of Leet and Leets, and their Stewards within the Precinct of his and their Leet and Leets, ſhall have full Power and Authority within their ſeveral Leets, to enquire and to take Preſentment by the Oath of the Jurors of all and every Offence and Offences in this behalf, and upon ſuch Preſentment had or made, to levy by Diſtreſs to the Uſe of the Lord of the Leet, all ſuch Sums of Money as ſo ſhall be Forfeited. And moreover, that it ſhall be lawful for the Lord of every ſuch Leet where ſuch Preſentment ſhall be made, to recover to his own Uſe any ſuch Forfeiture by Action of Debt in any of the Queen's Majeſties Courts of Record, wherein no Eſſoin, Protection or Wager of Law ſhall be allowed.

And be it further enacted by the Authority aforeſaid, that all Juſtices of Aſſizes, and Juſtices of Peace in their Seſſions, and every Lord within the Precinct of his Leet, and no others, ſhall have full Power and Authority within their ſeveral Limits and Juriſdictions, to enquire of, hear and determine all Offences contrary to this preſent Act, as well by Indictment, as otherwiſe by Preſentment or Information, and to award Execution for the levying of the ſeveral Forfeitures aforeſaid, by *Fieri facias*, *Elegit*, *Capias*, or otherwiſe, as the Cauſe ſhall require.

Provided always, that this Statute or any thing therein contained, ſhall not in any wiſe be extended to any *Cottage* which ſhall be ordained or erected to, or for *Habitation* or *Dwelling* in any *City*, *Town Corporate*, or *Ancient Borough* or *Market Town* within this Realm, nor to any *Cottages* or *Buildings*, which all be erected, ordained, or converted to, and for the neceſſary and convenient Habitation or Dwelling of any Workmen, or Labourers in any mineral Works, Cole-mines, Quarriers or Delfes of Stone or Slate, or in or about the making of Brick, Tile, Lime or Coles within this Realm: So as the

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ſame *Cottages* or *Buildings* be not above one Mile diſtant from the Place of the ſame Minerals or other Works, and ſhall be uſed only for the Habitation and Dwelling of the ſaid Workmen, nor ſhall in any ſort Prejudice, Charge or Impeach any Perſon or Perſons for the Erecting, Maintaining, or Continuing of any ſuch *Cottages*, as are before in this proviſo mentioned and ſpecified.

Provided always, that this Act ſhall not extend to any *Cottage* to be made within a Mile of the Sea, or upon the ſide of ſuch Part of any Navigable River where the Admiral ought to have Juriſdiction, ſo long as no other Perſon ſhall therein Inhabit, but a *Sailor* or Man of Manual Occupation, to, or for making, furniſhing, or Victualling of any Ship or Veſſel uſed to ſerve on the Sea, nor to any *Cottage* to be made in any Forreſt, Chaſe, Warren or Park, ſo long as no other Perſon ſhall therein Inhabit, but an Underkeeper or Warrener, for the good keeping of the Deer, or other Game of Warren, nor to any *Cottage* heretofore made, ſo long as no other Perſon ſhall therein Inhabit, but a common Heard-man or Shephard, for keeping the Cattle or Sheep of the *Town*, or a Poor, Lame, Sick, Aged or impotent Perſon, nor to any *Cottage* to be made, which for any juſt reſpect upon Complaint to the Juſtice of Aſſize at the Aſſizes, or to the Juſtices of Peace at the Quarter Seſſions, ſhall by their Order entred in open Aſſizes or Quarter Seſſions, be decreed to continue for Habitation, for and during ſo long time only, as by ſuch decree ſhall be tolerated and limited. *Stat.* 35. *Eliz.* 6. 43. *E.* 1. [ 31. *R. Eliz.* ]

## CHAP. LX.

### *County Courts.*

SHERRIFS, Under-Sheriff or Sheriffs Clark, entring in the County Court, any Plaint in the Abſence of the Plaintiff, or his Attorney, or having above one Plaint for one Cauſe, Forfeits Forty Shillings, to be divided between the King and the Proſecutor; one Juſtice may examine this Matter, and Certify the ſame into the Exchequer within Three Months, on pain of Forty Shillings, which Certificate is a Conviction. [ 11. H. 7. *C.* 15. *S.* 6, 8. ]

CHAP.

Forty Shillings for every Month that any such *Cottage* shall be by him or them upholden, maintained and continued.

Provided also, and be it enacted, that from and after the Feast of *All Saints* next coming, there shall not be any Inmate, or more Families or Houſholds than one, Dwelling or Inhabiting in any one *Cottage*, made, or to be made or erected, upon pain that every Owner or Occupier of any ſuch *Cottage*, placing, or willingly ſuffering any ſuch Inmate, or other Family then one, ſhall Forfeit and Loſe to the Lord of the Leet, within which ſuch *Cottage* ſhall be, the Sum of Ten Shillings of lawful Money of *England*, for every Month that any ſuch Inmate, or other Family than one ſhall dwell or inhabit in any one *Cottage* aforeſaid. And that all and every Lord and Lords of Leet and Leets, and their Stewards within the Precinct of his and their Leet and Leets, ſhall have full Power and Authority within their ſeveral Leets, to enquire and to take Preſentment by the Oath of the Jurors of all and every Offence and Offences in this behalf, and upon ſuch Preſentment had or made, to levy by Diſtreſs to the Uſe of the Lord of the Leet, all ſuch Sums of Money as ſo ſhall be Forfeited: And moreover, that it ſhall be lawful for the Lord of every ſuch Leet where ſuch Preſentment ſhall be made, to recover to his own Uſe any ſuch Forfeiture by Action of Debt, in any of the Queen's Majeſties Courts of Record, wherein no Eſſoin, Proteſtion or Wager of Law ſhall be allowed.

And be it further enacted by the Authority aforeſaid, that all Juſtices of Aſſizes, and Juſtices of Peace in their Seſſions, and every Lord within the Precinct of his Leet, and no others, ſhall have full Power and Authority within their ſeveral Limits and Juriſdictions, to enquire of, hear and determine all Offences contrary to this preſent Act, as well by Indictment, as otherwiſe by Preſentment or Information, and to award Execution for the levying of the ſeveral Forfeitures aforeſaid, by *Fieri facias*, *Elegit*, *Capias*, or otherwiſe, as the Cauſe ſhall require.

Provided always, that this Statute or any thing therein contained, ſhall not in any wiſe be extended to any *Cottage* which ſhall be ordained or erected to, or for *Habitation* or *Dwelling* in any *City*, *Town Corporate*, or *Ancient Borough* or *Market Town* within this Realm, nor to any *Cottages* or *Buildings*, which all be erected, ordained, or converted to, and for the neceſſary and convenient Habitation or Dwelling of any Workmen, or Labourers in any mineral Works, Cole-mines, Quarriers or Delfes of Stone or Slate, or in or about the making of Brick, Tile, Lime or Coles within this Realm: So as the

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ſame *Cottages* or *Buildings* be not above one Mile diſtant from the Place of the ſame Minerals or other Works, and ſhall be uſed only for the Habitation and Dwelling of the ſaid Workmen, nor ſhall in any ſort Prejudice, Charge or Impeach any Perſon or Perſons for the Erecting, Maintaining, or Continuing of any ſuch *Cottages*, as are before in this proviſo mentioned and ſpecified.

Provided always, that this Act ſhall not extend to any *Cottage* to be made within a Mile of the Sea, or upon the ſide of ſuch Part of any Navigable River where the Admiral ought to have Juriſdiction, ſo long as no other Perſon ſhall therein Inhabit, but a *Sailor* or Man of Manual Occupation, to, or for making, furniſhing, or Victualling of any Ship or Veſſel uſed to ſerve on the Sea, nor to any *Cottage* to be made in any Forreſt, Chaſe, Warren or Park, ſo long as no other Perſon ſhall therein Inhabit, but an Underkeeper or Warrener, for the good keeping of the Deer, or other Game of Warren, nor to any *Cottage* heretofore made, ſo long as no other Perſon ſhall therein Inhabit, but a common Heard-man or Shephard, for keeping the Cattle or Sheep of the *Town*, or a Poor, Lame, Sick, Aged or impotent Perſon, nor to any *Cottage* to be made, which for any juſt reſpect upon Complaint to the Juſtice of Aſſize at the Aſſizes, or to the Juſtices of Peace at the Quarter Seſſions, ſhall by their Order entred in open Aſſizes or Quarter Seſſions, be decreed to continue for Habitation, for and during ſo long time only, as by ſuch decree ſhall be tolerated and limited. *Stat.* 35. *Eliz.* 6. 43. *E.* 2. [ 31. *R. Eliz.* ]

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CHAP.

## CHAP. LXI.

### *Crows, Choughs and Rooks.*

THE Acts of Parliament for obliging Persons to keep Nets to destroy them, and the Rewards for taking them, are expir'd.

All Laws for levying Penalties on Curriers are to be executed by Quarter Sessions.

## CHAP. LXII.

### *Cyder.*

EVERY Dealer in *Cyder* or *Perry* receiving into his Custody any *Cyder* and *Perry*, shall be chargeable with the Duties, unless he makes it appear, either that *Cyder* or *Perry*, was made of Fruit of his own Growth, and not of bought Fruit, or that the Duties have been charg'd, and duly paid, under the Forfeiture of Twenty Pounds, to be recover'd as by the Acts of Excise, or by Action in any of Majesties Courts of Records. [4. *K. W.*]

## CHAP. LXIII.

### *Deer.*

IF any Person after the 25*th* Day of *March*, 1692. shall unlawfully Course, Hunt, take in Toils, Kill, Wound, or take away any Red or Fallow Deer, in any Forest, Chase, Purliew, Paddock, Wood, Park, or other Ground inclos'd, where Deer are usually kept, or shall be hiding or assisting therein, being convicted thereof by Confession, or one or more Witnesses, before one or more Justice or Justices of the Peace of the County where the Offence was committed, or the Party apprehended, such Party being prosecuted within Twelve Months after the Offence committed, shall Forfeit for unlawful Coursing and Hunting only, when no Deer is Taken, Wounded or Kill'd, for every such Offence Twenty Pound. And

And for each Deer Wounded, Taken in Toils or Kill'd, Thirty Pounds, to be levy'd by the Diſtreſs and Sale of the Goods and Chattles of ſuch Offender, by a Warrant under the Juſtices Hand and Seal before whom ſuch Conviction ſhall be made; one Third part to the Informer, another Third to the Poor of the Pariſh where the Offence was committed, and another Third part to the Owner of the ſame Deer. And for want of ſufficient Diſtreſs the Offender, ſhall be ſent by the ſaid Juſtice, to the Goal of the County for One Year, and after that to be ſet in the *Pillory* one Hour in the next Market-Town, by the chief Officer thereof.

All Owners of Deer in any incloſ'd Ground, and Perſons acting under them, may oppoſe and reſiſt Offenders, as if it was in any Antient *Chaſe* or *Park*.

And that every Conſtable, Headborough and Tythingman, by a Warrant from one or more Juſtices of the Peace, ſhall have power to enter into, and ſearch (as for ſtolen Goods) the Houſes, Out-Houſes, and all Places thereunto belonging, of ſuſpected Perſons, and where any Veniſon or Skin of Deer ſhall be found, they are to apprehend, and carry the Offender before the next Juſtice of the Peace of the County, and if he ſhall not give a good Account how he came by the ſame, or produce the Party of whom he bought it, or ſome Credible Witneſs to depoſe on Oath, the Sale of the ſaid Veniſon or Skin, he ſhall be convicted by the ſaid Juſtice of ſuch Offence, and be Subject to the Penalties for Killing of one Deer, as if thereof Convicted.

An Offender that is puniſh'd by this Act, ſhall not be puniſhed by any other Act for the ſame Offence.

## CHAP. LXIV.

**An Act for making more Effectual an Act of the Third and Fourth Years of the Reign of King *William* and Queen *Mary*, Intituled, *An Act for the more Effectual Diſcovery and Puniſhment of Deer-Stealers.***

WHEREAS divers Idle and Diſorderly Perſons, who have been duly Convicted for Unlawfully Courſing, Hunting, Killing, or Taking away Deer, upon the Statute made in the Third and Fourth Years of the Reign of the late King *William* and Queen *Mary*, for the more Effectual Diſcovery and Puniſhment of Deer-Stealers, have procured Writs of *Certiorari* to remove ſuch Convictions into Superior Courts at *Weſtminſter*, purely to avoid the Penalties of the ſaid Statute, whereby the Party or Parties Convicted are only Obliged to give Security to the Perſon or Perſons proſecuting for the Payment of their Coſts and Damages; and there being no Proviſion made for ſecuring the Forfeitures incurred for the Offence, or the Impriſonment of the Offenders, although ſuch Convictions ſhould be Confirmed by the ſaid Courts, the ſaid Offenders have Opportunity to conceal their Effects, and withdraw their Perſons from Puniſhment; and the Juſtice intended by the ſaid Act hath been evaded, and Looſe and Wicked Perſons greatly Encouraged to follow ſuch evil Practices: For the Prevention whereof, Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That no *Certiorari* ſhall be allowed to remove any Conviction made, or other Proceedings of, for, or concerning any Matter or Thing in the ſaid Statute, unleſs the Party or Parties Convicted ſhall, before the Allowance of ſuch *Certiorari*, and at the ſame time that Security is given for the Payment of the Coſts and Damages to the Proſecuter or Proſecuters, become alſo Bound to the Juſtice or Juſtices of the Peace, before whom ſuch Conviction was made, with ſuch ſufficient Surities as ſuch Juſtice or Juſtices ſhall approve of, in the Penalty of Sixty Pounds for each Offence, with Condition to Proſecute ſuch Writ of *Certiorari* with Effect, and to pay ſuch Juſtice or Juſtices the Forfeitures due by ſuch Conviction, to be diſtributed as the

the ſaid Statute directs, or to render the Perſon or Perſons Convicted to ſuch Juſtice or Juſtices within One Month next after ſuch Conviction ſhall be confirmed, or a *Procedendo* granted; And that in Default thereof, it ſhall be Lawful for the ſaid Juſtice or Juſtices, and all other Perſons whatſoever, to Proceed to the due Execution of ſuch Conviction, in ſuch manner as if no *Certiorari* had been Awarded.

And be it further Enacted by the Authority aforeſaid, That after the Confirmation of any Conviction or Convictions upon the ſaid Statute by any of the ſaid Superior Courts, and delivering the Rule to the ſaid Juſtice or Juſtices, whereby ſuch Conviction or Convictions hath or have been ſo Confirmed, it ſhall and may be Lawful for, and full Power and Authority is hereby given to ſuch Juſtice or Juſtices to proceed againſt the Party or Parties Convicted in the the ſame manner as if a *Procedendo* had been granted.

Provided always, and be it Enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall be Sued or Proſecuted for any Matter or Thing which he or they ſhall do in purſuance of this Act, or of the ſaid Statute made in the Third and Fourth Years of the Reign of the late King *William* and Queen *Mary*, it ſhall and may be Lawful to and for the Perſon or Perſons ſo Sued or Proſecuted to plead the General Iſſue, and give the Special Matter in Evidence; And if a Verdict ſhall paſs for the Defendant, or the Plaintiff ſhall become Nonſuit, or ſuffer a Diſcontinuance, or if upon a Demurrer Judgment ſhall be given againſt the Plantiff, the Defendant ſhall have and recover his Treble Coſts, and have the like Remedy for the ſame as any Defendant hath in any other Caſe by Law.

And be it further Enacted by the Authority aforeſaid, That all and every Perſon and Perſons Convicted, or who ſhall hereafter be Convicted by Virtue of the ſaid Statute, ſhall, before he or they ſhall be Diſcharged out of Cuſtody, become bound to ſuch Perſon or Perſons againſt whom ſuch Offence was or ſhall be Committed, in the Sum of Fifty Pounds, with Condition for his or their future Good Behaviour, and that he or they ſhall not Offend in like manner; and upon his or their Failure or Refuſal to enter into ſuch Bond that he or they ſhall be Committed to the County-Goal where ſuch Offence was or ſhall be done, until ſuch Bond ſhall be given; And that if ſuch Perſon or Perſons ſhall at any time after his or their becoming bound as aforeſaid, be Convicted for any Matter or Thing in the ſaid Statute, That then the ſaid Bond ſhall be deem-

ed to be forfeited, and the penalty be recovered, with full Costs of Suit, in any of the Courts at *Westminster*; which said Penalties shall be distributed in the same manner as the Forfeitures are by the said Statute to be distributed; And the Party or Parties so Convicted, shall be likewise liable to the Penalties and Forfeitures in the said Statute.

And whereas divers Keepers of *Forests*, *Chases*, and *Parks*, in Breach of the Trust reposed in them, have been in Confederacy with Deer-Stealers, whereby they have been greatly Encouraged: Be it therefore Enacted by the Authority aforesaid, That if any Keeper or Keepers, or other Officer of any *Forest*, *Chase*, *Purlieu*, *Paddock*, *Wood*, *Park* or *Place*, where Deer are usually kept, shall be Convicted upon the said Statute for Killing or Taking away any Red or Fallow Deer, or being Aiding or Assisting therein, without the Consent of the Owner or Person Chiefly intrusted with the Custody of such *Forest*, *Chase*, *Purlieu*, *Paddock*, *Wood*, *Park*, or *Place* where such Deer shall be Killed or Taken away, that then such Keeper or Keepers, or other Officer, being so Convicted, shall forfeit the Sum of Fifty Pounds for each Deer so Killed or Taken away, to be Levied by way of Distress upon his or their Goods and Chattels, to be distributed as the Forfeitures in the said Statute are to be distributed; And for want of such Distress, that then he or they shall suffer Imprisonment for Three Years, without Bail or Mainprize, and be set in the *Pillory* for Two Hours, on some Market-Day in the next adjoyning Town to the Place where the Offence was Committed, by the Chief Officer or Officers of such Market Town, or by his or their Under Officer or Under Officers.

And whereas by the said Statute of the Third and Fourth Years of King *William* and Queen *Mary*, such Persons are only to be Punished with Three Months Imprisonment, who do in the Night-time pull down or destroy the *Pales* or *Walls* of any *Park*, *Forest*, or other Ground where Deer are kept, which hath been found ineffectual to prevent Mischiefs of that nature: Be it therefore Enacted by the Authority aforesaid, that if any Person or Persons shall at any time pull down or destroy, or cause to be pulled down or destroyed the *Pale* or *Pales* or *Walls* of any *Park*, *Forest*, *Chase*, *Purlieu*, *Paddock*, *Wood*, or other Ground inclosed, where any Red or Fallow Deer shall be then kept, without the Consent of the Owner, or the Person chiefly intrusted with the Custody thereof, that such Person or Persons so Offending, and being Convicted thereof by Confession, or by the Oath of one or more Credible Witness

ness or Witnesses, before one or more Justice or Justices of the Peace of the same County wherein the Offence shall be Committed, shall be Subject unto the Forfeitures and Penalties by the said Statute inflicted for the Killing of any one Deer, in the same manner as if he or they had been thereof Convicted according to the said Statute. [ 5. *G.* ]

If any Person shall, after the 1*st* of *May*, 1719. enter into any *Park*, *Paddock*, or other inclos'd Ground, where Deer are usually kept, and wilfully Kill or Wound any Red or Fallow Deer, without the consent of the Owner, or the Person intrusted therewith, or shall be aiding therein, being Indicted before a Judge of Goal-Delivery, and shall be Convicted thereof by Verdict or Confession, he shall be sent to some of his Majesties Plantations in *America* for Seven Years.

If Prosecuted by this Act shall not be punisht by any other; yet this Act shall not make void any former Act against Deer-Stealers. [ 5. *G.* C. 28. ]

If any Person or Persons from after the 1*st* day of *June*, 1723. shall Unlawfully and Wilfully Hunt, Wound, Kill, Destroy, or Steal any Red or Fallow Deer, fed or kept in any Places, or in any of his Majesties *Forests* or *Chases* inclosed, or any *Park*, *Paddock*, or *Grounds* inclosed, where Deer have been or are usually kept; every Person so Offending, being Convicted by the Oath of one Witness before one Justice of the Peace, shall suffer Death as in Case of Felony, without Benefit of Clergy, if within Six Months after the Offence. [ 9. *G.* ]

Prosecution for any Offence committed against the Statute of the 3. *&* and 4. *W.* & *M.* made against Deer-Stealers, may be commenced within Three Years after the Offence committed.

If any Venison or Skin shall be found in the Possession of any Person not quallify'd, and cannot give a good Account how he came by the same, he shall be Subject to the Penalties of the 3. & 4. of *W.* and *M.* against Deer-Stealers.

## CHAP. LXV.

### Excise.

ALL Forfeitures and Offences made and committed, shall be heard, adjudged and determined by such Person or Persons, and in such manner and form as hereafter in and by this Act is directed and appointed; that is to say, all such Forfeitures and Offences made and Committed within the immediate Limits of the chief Office in *London*, shall be heard adjudged and determined by the said chief Commissioners and Governors of Excise (appointed by his Majesty,) or the major part of them, or by the Commissioners for Appeals, and regulating of this Duty, or the major part of them in case of Appeal, and not otherwise: And all such Forfeitures and Offences made and Committed within all or any other the Counties, Cities, Towns, or Places within this Kingdom, or Dominions thereof, shall be heard and determined by any two or more of the Justices of the Peace residing near to the place where such Forfeitures shall be made, or Offence committed: And in Case of Neglect or Refusal of such Justices of the Peace, by the space of Fourteen Days next after Complaint made, and Notice thereof given to the Offender, then the Sub-Commissioners, or the major part of them appointed for any such City, County, Town or Place, shall, and are hereby impowered to hear and determine the same; And if the Party find himself agrieved by the Judgment given by the said Sub-Commissioners, he shall and may Appeal to the Justices of the Peace at the next Quarter-Sessions, who are hereby Impowered and Authorized to hear and determine the same, whose Judgment therein shall be final; which said Commissioners for Appeals, and regulating of this Duty, and the chief Commissioners for Excise, and all Justices of Peace, and Sub-Commissioners aforesaid respectively, are hereby Authorized and strictly enjoyned and required upon any Complaint or Information exhibited and brought of any such Forfeiture made, or Offence committed contrary to this Act to Summon the Party accused, and upon his Appearance or Contempt to proceed to the Examination of the matter of Fact, and upon due proof made thereof, either by the Voluntary Confession of the Party, or by the Oath of one or more credible Witnesses (which Oath they or any two or more of them have hereby Power to Administer,) to give Judgment or Sentence, according as in and by this

this Act is before ordained and directed; And to award and issue out Warrants under their Hands, for the Levying of such Forfeitures, Penalties and Fines, as by this Act is Imposed for any such Offence committed upon the Goods and Chattles of the Offender, and to cause Sale to be made of the said Goods and Chattels, if they shall not be redeemed within Fourteen Days, rendering to the Party the Overplus, if any be, and for want of sufficient Distress, to Imprison the Party offending till Satisfaction be made.

Provided Nevertheless, that it shall and may be lawful to and for the said Respective Justices of Peace, Commissioners for Excise, or any two of them, or their Sub-Commissioners respectively, from time to time, where they shall see Cause, to Mitigate, Compound, or lessen such Forfeiture, Penalty or Fine, as in their Discretion they shall think fit; And that every such Mitigation and Payment thereupon accordingly made, shall be a sufficient Discharge of the said Penalties and Forfeitures to the Persons so offending, so as by such Mitigation the same be not made less then double the Value of the Duty of Excise, which should or ought to have been paid, besides the reasonable Costs and Charges of such Officer or Officers, or others as were employed therein, to be to them allowed by the said Justices; any thing in this Act to the contrary in any wise notwithstanding.

And it is hereby further enacted and ordained, that all Fines, Forfeitures and Penalties mention'd in this Act, all necessary charges for the Recovery thereof being first deducted, shall be imployed, Three Fourth Parts thereof to and for the Use of the King's Majesty, and the other Fourth Part to the Discoverer or Informer of the same.

And for the better Managing, Collecting, Securing, Levying, and Recovering of all and every the said Rates and Charges of Excise hereby imposed, and set upon all or any of the Commodities before mentioned, to the end the same may be paid and disposed of according to the Intent of this present Act. [12. *Car.* 2, *C.* 23. *Sec.* 31.]

All Penalties that are imposed on any Offenders against all Acts under the Management of the Officers of Excise, are referr'd to the former Act; except Leather, Vellum and Parchment, which can be reduced to a fourth part, and Selling of Salt by Measure, and not by Weight, which is Five Pounds, and not less.

CHAP.

## CHAP. LXVI.

### *Faces Black'd and Diſguis'd.*

IF any Perſon charg'd with any of the ſaid Offences, before one or more Juſtices by the Oath of one or more Witneſſes on Oath, the ſaid Juſtices ſhall Certify the ſame under their Hands and Seals, and return ſuch Information to one of the Principal Secretaries of State, who ſhall lay the ſame before his Majeſty in Privy Council; whereupon an Order of Council ſhall be made, commanding ſuch Offender to ſurrender himſelf in Forty Days.

If any Perſon ſhall knowingly Conceal and Abet, or ſuffer any ſuch Perſon after the time of ſurrender is expired, ſhall ſuffer Death without the Benefit of Clergy.

A Judge or Juſtice may apprehend any ſuch Offenders againſt whom ſuch Order of Council ſhall be made.

The Inhabitants of every Hundred in *England* ſhall make full Satisfaction to every Perſon for Damages ſuſtained by Killing, Wounding or Maiming of Cattle, deſtroying of Trees or ſetting Fire to any Houſe, Barn, *&c.* as aforeſaid, not exceeding 200 *l.* the Tax to be levy'd by the ſame Ways, as in caſe of Robberies in the Day. The Perſons injur'd or their Servants muſt give Notice to ſome of their neareſt Inhabitants within Two Days after the Offence was committed; and they or their Servants ſhall within Four Days after ſuch Notice, give his or their Information on Oath to ſome Juſtice of the Peace of the Hundred, or near the ſame, whether he or they do know the Perſons that committed the Fact, that they may be bound to proſecute them.

If any Offender ſhall be convicted within Six Months after the Offence committed, the Hundred ſhall not be liable to make Satisfaction; every Perſon injur'd ſhall commence his Action, within One Year after the Offence ſhall be committed.

If any Perſon ſhall apprehend, or Cauſe any ſuch Offender to be convicted, and ſhall be Kill'd or Wounded, ſo as to loſe an Eye, or the Uſe of any Limb, on Proof thereof at the Quarter Seſſions, the Perſon ſo wounded, or the Executors or Adminiſtrators of the Perſon Kill'd, ſhall have a Certificate to the Sheriff of the County, to have Fifty Pound, to be paid within Thirty Days after ſuch Certificate

Certificate ſhall be produced to him on the Penalty of Ten Pounds, and for Non-payment as aforeſaid, the Party may have his Action againſt the Sheriff, as well for the Ten Pounds, as alſo for the Fifty Pounds.

No Attainder for any Offences made againſt this Act, ſhall make any Corruption of Blood, loſs of Dower, or Forfeiture of Lands.

This Act ſhall be openly read at every Quarter Seſſions, Leet, and Law Days, and ſhall continue for Three Years, and to the end of the next Seſſions of Parliament. [9. G.]

## CHAP. LXVII.

*Puniſhment of him who getteth Money into his Hands of another Perſons, under Colour of a falſe Token, or Counterfeit Letter.*

FOraſmuch as many Light and Evil diſpoſed Perſons not minding to get their Livings by Truth, according to the Laws of this Realm, but compaſſing and deviſing Daily how they may unlawfully obtain and get into their Hands and Poſſeſſion, Goods, Chattles, and Jewels of other Perſons, for the Maintenance of their unthrifty Livings, and alſo knowing that if they come to any of the ſame Goods, Chattles, and Jewels by Stealth, that then they being thereof lawfully Convicted, according to the Laws of the Realm, ſhall Dye therefore: have now of late Falſely and Deceitfully contrived, deviſed, and imagined Privy Tokens and Counterfeit Letters in other Mens Names unto divers Perſons their ſpecial Friends and Acquaintance, for the obtaining of Money, Goods, Chattles, and Jewels of the ſame Perſons, their Friends and Acquaintances, by Colour whereof, the ſaid Light and Evil diſpoſed Perſons have deceitfully and unlawfully obtained and gotten great Subſtance of Money, Goods, Chattles, and Jewels into their Hands and Poſſeſſions contrary to Right and Conſcience.

For Reformation whereof, be it ordain'd and enacted by Authority of this preſent Parliament, that if any Perſon or Perſons, of what Eſtate or Degree ſoever he, or they be, at any time after the First Day of *April* next coming, Falſely or Deceitfully obtain, or get into his, or their Hands or Poſſeſſion, any Money, Goods, Chattles, Jewels, or other Things, of any other Perſon or Perſons

by Colour and means of any such false Token or Counterfeit Letter made in any other Mans Name, as is aforesaid, that then every such Person and Persons, so Offending, and being thereof Lawfully Convicted by Witnesses, taken before the Lord Chancellor of England, for the time being, or by Examination of Witnesses, or Confession taken in the Star Chamber at Westminster, before the Kings most honourable Council, or before the Justices of Assize in their Circuits for the time being, or before the Justices of Peace within any part of the King's Dominions, in their General Sessions, or by Action in any of the King's Courts of Record, shall have and suffer such Correction, and Punishment, by Imprisonment of his Body, setting upon the Pillory, or otherwise by any Corporal Pain (except pains of Death) as shall be unto him or them Limited, Adjudged, or Appointed by the Person and Persons before whom he shall be so Convicted of the said Offences, or of any of them.

And be it further Enacted by the Authority aforesaid, That as well the Justices of Assises for the time being, as also two Justices of Peace in every County, whereof the One to be of the Quorum, shall have full Power and Authority to call and commit by Writing or otherwise, to the said Assizes or General Sessions, any Person or Persons being Suspected of any of the Offences aforesaid, and the same Persons being them to Ward, or let him or them to Bail, till the next Assizes or General Sessions, there to be Examined, and further to be Ordered by due Processe as is aforesaid.

And be it always, and be it further Enacted by Authority aforesaid, That Justices of the Peace within every City, Borough, Town and Franchise within this Realm, or other the King's Dominions, shall have the like Jurisdiction, Power and Authority at their General Sessions, and otherwise so do, and execute all and every thing and things in all Points touching the Punishment of the Offences aforesaid, as the Justices of the Peace in their Counties, Divisions or Franchises adjoining, have, or ought to do and execute, for the Punishment and Correction of the said Offences, or by this Statute are limited and appointed to do and execute, any Thing, Clause or Sentence in this Statute finally ordained for the said Kings Majesty, his Heirs or Successors, shall not be prejudiced, hurt or impaired, by reason of Action or otherwise, of and for the same Money, Goods, Chattels, Debts, Duties, Forfeitures, Offices, Fees, Annuities, Profits, Commodities, Hereditaments, or other Things whatsoever, to the King's Majesty, his Heirs or Successors, by this Act, or any Clause or Sentence thereof, to be given, granted, or appointed, any Law, Statute, Custom, Usage, Prescription, or any other Matter, Cause or Thing whatsoever to the contrary notwithstanding.

If any Person shall send a Letter, without a Name subscribed, or with a fictitious Name to it, demanding Venison, Money, or any other valuable Thing, shall be Guilty of Felony. [9. G.]

## CHAP. LXVIII.

*No Sheriff shall let to Farm his County or any Bailiwick. The Sheriffs and Bailiffs Fees and Duties in several Cases.*

ITem, the King considering the great Perjury, Extortion and Oppression, which be, and have been in this Realm by his Sheriffs, Under-Sheriffs, and their Clerks, Coroners, Stewards of Franchise, Bailiffs and Keepers of Prisons, and other Officers in divers Counties of this Realm, hath ordained by Authority aforesaid, in eschewing of all such Extortion, Perjury and Oppression, that no Sheriff shall let to Farm in any manner his County, nor any of his Bailiwicks, Hundreds, no Wapentakes, nor that the said Sheriffs, Under-Sheriffs, Bailiffs or Franchises, nor any other Bailiff, shall return upon any Writ or Precept to them directed to be returned, any Indentes in any Panel thereupon to be made, any Bailiffs, Officers or Servants to any of the Officers aforesaid, in any Panel by them so to be made, nor that any of the said Officers and Ministers, by Occasion or under Colour of their Office, shall take any other thing by them, nor by any other Person to their Use, Profit, or avail of any Person by them, or any of them to be Arrested or Attached, nor any other of them, for the omitting of any Arrest or Attachment to be made by their Body, or of any Person by them, or any of them by Force or Colour of their Office Arrested or Attached for Fine, Fee, Suit of Prison, Mainprise, letting to Bail, or shewing any ease or favour to any such Person so Arrested, or to be Arrested for their Reward or Profit, but such as follow, that is to say, for the Sheriff 20 *d.* the Bailiff, which maketh the Arrest or Attachment 4 *d.* and the Goaler, if the Prisoner be committed to his Ward 4 *d.*

And that the Sheriff, Under-Sheriff, Sheriffs Clerk, Steward or Bailiff of Franchise, Servant or Bailiff, or Coroner shall not take any thing by Colour of this Office, by him, nor by any other Person to his Use of any Person, for the making of any Return or Panel, and for the Copy of any Panel, but 4 *d.* And that the said Sheriffs, and all other Officers and Ministers aforesaid, shall let out of Prison

all manner of Perſons by them, or any of them Arreſted, or being in their Cuſtody by Force of any Writ, Bill or Warrant, in any Action perſonal, or by Cauſe of Indictment of Treſpaſs, upon reaſonable Sureties of ſufficient Perſons, having ſufficient within the Counties where ſuch Perſons be ſo let to Bail or Mainprize, to keep their Days in ſuch Place as the ſaid Writs, Bills or Warrants ſhall Require, (ſuch Perſon or Perſons which be or ſhall be in their Ward by Condemnation, Execution, *Capias Utlagatum* or *Excommunicatum*, ſurety of the Peace, and all ſuch Perſons, which be, or ſhall be committed to ward by ſpecial Commandment of any Juſtices, and Vagabonds Refuſing to ſerve according to the Form of the Statute of Labourers only except.)

And that no Sheriff, nor any of his Officers or Miniſters aforeſaid, ſhall take or cauſe to be taken, or make any Obligation for any cauſe aforeſaid, or by Colour of their Office, but only to themſelves of any Perſon, nor by any Perſon which ſhall be in their Ward, by the courſe of the Law, but by the Name of their Office, and upon Condition Written, that the ſaid Priſoners ſhall Appear at the Day contained in the ſaid Writ, Bill or Warrant, and in ſuch Places as the ſaid Writs, Bills, or Warrants, ſhall require.

And if any of the ſaid Sheriffs or other Officers or Miniſters aforeſaid, take any Obligation in other Form by Colour of their Offices, that it ſhall be Void. And that he ſhall take no more for the making of any ſuch Obligation, Warrant or Precept by them to be made, but Four-Pence. And alſo that ever of the ſaid Sheriffs ſhall make Yearly a Deputy in the King's Courts of his Chancery, the King's Bench, the Common Plea, and in the Exchequer of Record, before that they ſhall return any Writs, to receive all manner of Writs and Warrants to be delivered to them.

And that all Sheriffs, Under-Sheriffs, Clerks, Bailiffs, Goalers, Coroners, Stewards, Bailiffs of Franchiſes or any other Officers or Miniſters which do contrary to this Ordinance in any point of the ſame, ſhall loſe to the Party in this behalf, Indamaged or Grieved his treble Damages, ſhall Forfeit the Sum of Forty Pounds, at every time that they or any of them do the contrary thereof in any point of the ſame, whereof the King ſhall have the one half, to be imployed to the uſe of his Houſe, and in no otherwiſe, and the Party that will Sue the other half.

And that the Juſtices of Aſſizes in their Seſſions, Juſtices of the one Bench, and of the other, and Juſtices of Peace in their County ſhall have Power to enquire, hear and determine of Office without ſpecial Commiſſion,

Commiſſion, of and upon all them that do contrary to theſe Ordinances in any Article or Point of the ſame.

And if the ſaid Sheriffs return upon any Perſon *Capi Corpis*, or *Reddidit ſe*, that they ſhall be chargeable to have the Bodies of the ſaid Perſons, at the Days of their Turns of the ſaid Writs, Bills or Warrants, ſuch Form as they were before the making of this Act. [23. *H.* 6. C. 10.]

## CHAP. LXIX.

### *Coroners Fees.*

IT is ordained, that a *Coroner* have for his Fee, upon every Inquiſition taken upon the View of the Body Slain 13*s.* 4*d.* of the Goods and Chattles of him that is the Slayer and Murderer, if he have any Goods, and if he have no Goods, then the *Coroner* have for his ſaid Fee, of ſuch Amercement as ſhall Fortune any Townſhip, to be amerced for Eſcape of ſuch Murderer as is aforeſaid. And if any *Coroner* be remiſs, and make not Inquiſitions upon the View of the Body Dead, and certifie not according as is afore ordained, that the *Coroner* for every Default Forfeit to the King Five Pounds. [3. H. 7. C. 1.]

## CHAP. LXX.

### *No Fee due to a Coroner, where any Perſon is Slain by Misadventure.*

WHEREAS by a Statute made at *Weſtminſter*, the Third Year of King *Henry* the VII. it was enacted, that a *Coroner* ſhall have for his Fee upon every Inquiſition, taken upon View of the Body Slain and Murdered 13*s.* 4*d.* of the Goods and Chattles of him that is the Slayer or Murderer; where by the common Law, a *Coroner* had not, nor ought to have any thing for their Office doing as by the ſame Statute more plainly doth appear. Since which Statute ſo made, the *Coroners* have uſed, that if any Perſon hath happened to be Slain by Miſadventure, and by no Mans Hand, that the

they will not enquire upon the View of the Body, fo by Miſadventure Slain: except they have for their Labour, 13 s. 4 d. which is contrary to the Common Law, and alſo to the Statute afore rehearſed, whereby great Inconvenience doth daily grow to the King's Subjects foreſaideth as oftentimes the Perſon that is ſo by Miſadventure Slain, lieth long above the Ground, unburied, to the great Noiſance of the King's Liege People: Wherefore the King our Sovereign Lord, by the Aſſent of his Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by Authority of the ſame ordaineth, That upon a Requeſt made to a *Coroner*, to come and enquire upon the View of any Perſon Slain, Drowned, or otherwiſe Dead by Miſadventure, the ſaid *Coroner* diligently ſhall do his Office upon the View of the Body of every ſuch Perſon or Perſons, without taking any thing therefore: upon pain in every *Coroner* that will not endeavour himſelf to do his Office, (as afore is ſaid) or that he taketh any thing for doing of his Office, upon any Perſon Dead by Miſadventure, for every time 40 s.

And that the Juſtices of Aſſizes, and Juſtices of Peace within the County where any ſuch default of the *Coroners* be, have Authority and Power to Enquire thereof and Determine the ſame, as well by Examination, as by Preſentment. 1 *H.* 8. *C.* 7.

## CHAP. LXXI.

### *Fellers of Oak Trees.*

AND foraſmuch as *Bark* is of late become very dear and ſcarce, which happeneth partly by reaſon that divers Perſons do ingroſſe and buy great Quantities thereof, and then do Sell the ſame again at exceſſive and unreaſonable Prices, and partly by the unreaſonable Felling of *Oak* out of the *Barking* time,

Be it Enacted by the Authority aforeſaid, that no Perſon or Perſons ſhall Regulate, Ingroſſe, or get into their Hands by Bying, Contracting, or Promiſe-taking any *Oaken Bark* before it be Stripped, or after, to the intent to Sell the ſame again, upon pain of Forfeiture of all ſuch *Barks* ſo by him or them Regrated, Ingroſſed, or Bought contrary to the true meaning of this preſent Branch, or the full Value thereof.

And

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And be it further Enacted by the Authority aforesaid, that no Person or Persons shall from and after the said Feast of St. *Bartholomew* next coming, *Fell* or cause to be Felled any *Oaken Trees* meet to be *Barked*, where *Bark* is worth 2 *s.* a Cart-load, over and above the charges of *Barking* and *Filling*, (*Timber* to be imployed to or for the necessary and needful Building or Repairations of Houses, Ships, or Mills, only excepted) but between the 31st Day of *April*, and the last Day of *June*, upon pain of Forfeiture of every such *Oaken Tree* so Felled, or double the Value thereof.

And for the better Preservation of *Timber*, which by the Takers of *Timber* is spoiled through the greedy desire of gain of the *Lops*, *Tops*, *Bark* of *Timber*, *Trees*: Be it therefore Enacted by the Authority aforesaid, that no Taker or Takers, *Purveyor* or *Purveyors* of *Timber*, or his or their Deputy or Deputies, shall Fell or cause to be Felled for the Use of the King's Majesty, his Heirs or Successors, any *Oaken Timber*, *Tree* or *Trees*, meet to be *Barked*, but in *Barking* Time, (Trees to be Felled for the needful and necessary Building or Repairing of any his Majesties Houses or Ships only excepted) or shall in any wise take or receive any manner of *Profit*, *Gain* or *Comodity* by any *Lops*, *Tops* or *Bark* of any *Tree*, to be taken by them, or any of them. Or shall in any wise take, carry away, give sell or dispose from the Owner any more of any *Trees* to be taken as is aforesaid, then only the *Timber* of the said *Tree* or *Trees* to be used and bestowed or employed only in, upon or about the King's Majesties Buildings or Ships, upon pain of Forfeiture to the Party grieved for every *Tree*, and for the *Lops*, *Tops* and *Bark* of every *Tree* taken contrary to the meaning of this Article 40 *s.* and that it shall be lawful to the Party of whom such *Tree* or *Trees* shall be taken, or to any other for and in his Name, to take, retain, withhold and keep to himself, all the *Bark*, *Lop* or *Top* of such *Tree* or *Trees*, any Commission or other Matter whatsoever notwithstanding.

Offences against this Act, to be heard and determined by Quarter Sessions. [1 *Jam.* C. 22.]

CHAP.

## CHAP. LXXII.

### *Felony.*

FELONY is of Four kinds, *1ſt.* Such as is committed againſt Life. *2d.* Such as is againſt a Man's Goods. *3d.* Such as is againſt a Man's Habitation. *4th.* Such as is againſt the Protection of publick Juſtice.

In all Felonies, the Offender muſt be of Age and Diſcretion, and *Compos Mentis*, otherwiſe no Forfeiture.

And Death muſt enſue within a Year and a Day after the Blow given.

Death in a Man's Defence, though it doth not touch Life; yet Goods are Forfeited; it muſt be inevitable Neceſſity.

If a Perſon finds Goods that are Loſt, and Converts them to his own uſe; though he doth it *Animo furandi*, yet it is no Felony.

Theftboot, is more than a bare Miſpriſon of Felony, and is where the Owner of Goods Stolen, knows the Felony, and takes his Goods again, or other amends not to proſecute the Offender; the Puniſhment for this Offence, is a fine and Imprifonment.

Offences made Felony by the Acts in this Book see pages 19. 25. 35. 44. 45. 57. 69. 72. 85. 87. 167. 168. 177. 178. 179. 180. 191. 193. 199. 200. 207. 252. 296. 277. 279. 284. 302. 336. 337. 338.

## CHAP. LXXIII.

### *How eſcapes of Felons, Chattles of Felons and Fugitives, ſhall be Levyed.*

ITEM, it is accorded, that the Eſcape of Thieves and Felons, and the Chattles of Felons, and of Fugitives, and alſo Eſcapes of Clerks convict out of their Ordinaries Priſons from henceforth, to be Judged before any of the King's Juſtices, ſhall be levyed from time to time, as they ſhall fall, as well of the time paſt, as of time to come. [31 *E.* 3. C. 14.]

CHAP.

## CHAP. LXXIV.

*Every Juſtice of Peace may let a Priſoner to Mainpriſe. No Officer ſhall ſeize the Goods of a Priſoner, until he be Attainted.*

FOraſmuch as divers Perſons have been daily Arreſted and Impriſoned for Suſpicion of Felony, ſometime of Malice, and ſometimes of a light Suſpicion, and ſo kept in Priſon without Bail or Mainpriſe, to their great Vexation and Trouble: Be it ordained and eſtabliſhed by Authority of this preſent Parliament, that every Juſtice of the Peace in every Shire, City or Town, ſhall have Authority and Power, by his or their Diſcretion, to let ſuch Priſoners and Perſons ſo Arreſted to Bail or Mainpriſe, in like Form, as though the ſame Priſoners or Perſons were Indicted thereof of Record before the ſame Juſtices in their Seſſions: And that Juſtices of Peace have Authority to enquire in their Seſſions of all manner of Eſcapes of every Perſon Arreſted and Impriſoned for Felony.

And that no Sheriff, Under-Sheriff, nor Eſcheator, Bailiff of Franchiſe, nor any other Perſon, Take or Seize the Goods of any Perſon Arreſted or Impriſoned for Suſpicion of Felony, before that the ſame Perſon ſo Arreſted and Impriſoned, be Convicted or Attainted of ſuch Felony, according to the Law, or elſe the ſame Goods otherwiſe lawfully Forfeited, upon pain to Forfeit the double Value of the Goods ſo taken, to him that is ſo hurt in that behalf, by Action of Debt to be purſued by like Proceſs, Judgment, and Execution, as is commonly uſed in other Actions of Debt Sued at the Common Law. And that no Eſſoin, or Protection be allowed in any ſuch Action: Nor that the Defendant in any ſuch Action be admitted to Wage or do his Law.

Except ſo much of the Offenders Goods as ſhall be ſufficent to carry him to Priſon. *See Conſtables,* [ 1. *R.* 3. C. 3. ]

Grand Larceny may be committed without putting a Perſon in Fear, by picking a Pocket, or Cutting a Purſe, by the 8*th* of *Eliz.* C. 4. the Offender is ouſted of Benefit of Clergy.

If the Thief takes under the Value of Twelve Pence, it is only Petty Larceny.

If any Perſon commits Grand Larceny, and carryeth the Goods into another County, and taken there, he may be try'd in that County; but in Caſe of Robbery, the Offender muſt be try'd in the County where the Robbery was committed.

## CHAP. LXXV.

### *No Forfeiture for Killing of a Thief, attempting to Rob on the High-way.*

FOraſmuch as it hath been in Queſtion and Ambiguity, that if any evil diſpoſed Perſon or Perſons do attempt Felonioufly to Rob or Murder, any Perſon or Perſons, in or nigh any common High-way, Cart-way, Horſe-way, or Foot-way, or in their Manſions, Meſuage, or Dwelling-places, or that Felonioufly do attempt to break any Dwelling Houſe in the Night time, ſhould happen in his or their being in their ſuch Felonious Intent to be Slain by him or them, whom the ſaid Evil Doers ſhould ſo attempt to Rob or Murder, or by any Perſon or Perſons, being in their Dwelling Houſe, which the ſame Evil Doers ſhould attempt Burglarily to break by Night: if the ſaid Perſons, ſo happening in ſuch Caſes to Slay any ſuch Perſon, ſo attempting to commit ſuch Murder or Burglary, ſhould for the Death of the ſaid Evil diſpoſed Perſon, Forfeit or loſe his Goods and Chattels for the ſame, as any other Perſon ſhould do, that by Chance Medley, ſhould happen to Kill, or Slay any other Perſon in his or their Defence.

For the Declaration of the which Ambiguity and Doubt, be it enacted by the King our Sovereign Lord, with the Aſſent of the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, and by Authority of the ſame, That if any Perſon or Perſons, at any time hereafter, be indicted or appealed, of, or for the Death of any ſuch evil diſpoſed Perſon or Perſons, attempting to Murder, Rob, or Burglarily to break Manſion Houſes, as is aboveſaid, that the Perſon or Perſons ſo indicted or appealed thereof, and of the ſame Verdict ſo found and tried, ſhall not forfeit or loſe any Lands, Tenements, Goods or Chattles, for the Death of any ſuch evil diſpoſed Perſon, in ſuch manner Slain, but ſhall be thereof

thereof, and for the ſame fully acquitted, and diſcharged in like manner, as the ſame Perſon or Perſons ſhould be, if he or they were lawfully acquitted of the Death of the ſaid evil diſpoſed Perſon or Perſons. [24. *H.* 8. *C.* 5.]

## CHAP. LXXVI.

### *Tryal of Murders and Felony may be in ſeveral Counties.*

FOraſmuch as the moſt neceſſary Office and Duty of Law is to preſerve and ſave the Life of Man, and condignly to puniſh ſuch Perſons that unlawfully and wilfully Murder, Slay or Deſtroy Men, and alſo that another Office and Duty of Law is to puniſh Robbers and Thieves, which daily endeavour themſelves to Rob and Steal, or give Aſſiſtance to the ſame, and yet by craft and ſubtle, do Eſcape the ſame without Puniſhment.

And where it often happeneth and cometh in uſe in ſundry Counties of this Realm, that a Man is felonioully Stricken in one County, and after Dyeth in another County: In which Caſe it hath not been found by the Laws or Cuſtoms of this Realm, that any ſufficient Indictment thereof can be taken in any of the ſaid two Counties, for that by the Cuſtom of this Realm, the Jurors of the County where ſuch Party dyed of ſuch Stroke, can take no Knowledge of the ſaid Stroke being in a Foreign County, although the ſame Two Counties and Places adjoin very near together: Nor the Jurors of the County where the ſtroke was given cannot take knowledge of the Death in another County, although ſuch Death moſt Apparently come of the ſame ſtroke: ſo that the King's Majeſty within his own Realm, cannot, by any Laws yet made or known, puniſh ſuch Murderers or Manquellers, for Offences in this form Committed and done, nor any Appeal at ſome time may lye for the ſame, but doth alſo Fail, and the ſaid Murderers and Manquellers eſcape thereof without Puniſhment, as well in Caſes where the Counties where ſuch Offences be committed and done, may join, as otherwiſe where they may not join. And alſo it is a common Practice among arrant Thieves and Robbers in this Realm, that after they have Robbed or Stollen in one County, they will convey their Spoils or part thereof ſo

Robbed and Stollen, unto ſome of their Adherents, into ſome other County, where the principal Offence was not Committed nor done, who knowing of ſuch Felony, willingly and by falſe Covin, receiveth the ſame: In which Caſe, although the principal Felon be after attainted in the one County, the Acceſſary eſcapeth, by reaſon that he was Acceſſary in another County, and that the Jurors of the ſaid other County, by any law yet made, can take no knowledge of the principal Felony, nor Attainder in the Firſt County, and ſo ſuch Acceſſaries Eſcape thereof unpuniſhed, and do often put in uſe the ſame, knowing that they may Eſcape without Puniſhment.

For Redreſs and Puniſhment of which Offences and Safeguard of Man's Life: Be it enacted by Authority of this preſent Parliament, that where any Perſons or Perſons hereafter ſhall be Felonioufly Stricken or Poiſoned in one County, and Dye of the ſame Stroke or Poiſoning in another County, that then an Indictment thereof founden by Jurors of the County, where the Death ſhall happen, whether it ſhall be founden before the Coroner, upon the ſight of ſuch Dead Body, or before the Juſtice of the Peace, or other Juſtices or Commiſſioners, which ſhall have Authority to enquire of ſuch Offences, ſhall be as good and effectual in the Law, as if the Stroke or Poiſoning had been committed and done in the ſame County where the Party ſhall Dye, or where ſuch Indictment ſhall be ſo founden: Any Law or Uſuage to the contrary notwithſtanding.

And that the Juſtices of Goal Delivery, and *Oyer* and *Terminer* in the ſame County where ſuch Indictment at any time hereafter ſhall be taken: And alſo the Juſtices of the King's Bench, after ſuch Indictment ſhall be removed before them, ſhall and may proceed upon the ſame in all Points, as they ſhould or ought to do, in Caſe ſuch Felonious Stroke and Death thereby enſuing, or Poiſoning or Death thereof enſuing, had grown all in one ſame County.

And that ſuch Party to whom Appeal of Murder ſhall be given by the Law, may Commence, Take, and Sue Appeal of Murder in the ſame County where the Party ſo Felonioufly Stricken or Poiſoned ſhall Dye, as well againſt the Principal and Principals, as againſt every Acceſſary to the ſame Offences, in whatſoever County or Place the Acceſſary or Acceſſaries ſhall be Guilty to the ſame.

And further the Juſtices before whom any ſuch Appeal ſhall be Commenced, Sued, and Taken, within the Year and Day after ſuch Murder and Manſlaughter committed and done, ſhall proceed againſt all and every ſuch Acceſſary and Acceſſaries in the ſame County, where ſuch Appeal ſhall be ſo taken, in like manner and form,

form, as if the ſame Offence or Offences of Acceſſary or Acceſſaries had been Committed and done in the ſame County where ſuch Appeal ſhall be ſo taken, as well concerning the Tryal by the Jurors, or Twelve Men of ſuch County, where ſuch Appeal or Appeals ſhall be hereafter taken upon the Plea of not Guilty, Pleaded by ſuch Offender or Offenders, as otherwiſe.

And further, be it enacted by Authority aforeſaid, that where any Murder or Felony hereafter ſhall be committed and done in one County, and another Perſon or more ſhall be Acceſſary or Acceſſaries in any manner of wiſe, to any ſuch Murder or Felony in any other County, that then an Indictment found or taken againſt ſuch Acceſſary and Acceſſaries, upon the Circumſtance of ſuch matter before the Juſtices of the Peace, or other Juſtices or Commiſſioners, to enquire of Felonies in the County where ſuch Offences of Acceſſary or Acceſſaries in any manner or wiſe ſhall be committed or done, ſhall be as good and effectual in the Law, as if the ſaid principal Offence had been committed or done within the ſame County where the ſame Indictment againſt ſuch Acceſſary ſhall be found.

And that the Juſtices of Goal Dilivery, or *Oyer* and *Terminer*, or Two of them, of, or in ſuch County, where the Offence of any ſuch Acceſſary ſhall be hereafter committed and done, upon ſuit to them made, ſhall Write to the *Cuſtos Rotulorum*, or Keepers of the Records, where ſuch principal ſhall be hereafter Attainted, or Convicted, to certifie them whether ſuch principal be Attainted, Convicted, or otherwiſe diſcharged of ſuch principal Felony, who upon ſuch Writing to them, or any of them directed, ſhall make ſufficient Certificate in Writing under their Seal or Seals to the ſaid Juſtices, whither ſuch principal be attainted, convicted, or otherwiſe diſchrged, or not.

And after that they ſo ſhall have the Cuſtody of ſuch Records, do Certifie that ſuch principal is attainted, convicted, or otherwiſe diſcharged of ſuch Offence by the Law: That then the Juſtices of Goal Delivery, or of *Oyer* and *Terminer*, or other there authorized, ſhall proceed upon every ſuch Acceſſary, in the County where ſuch Acceſſary or Acceſſaries became Acceſſary, in ſuch manner and form, as if both the ſaid principal Offence and Acceſſary had been committed and done in the ſaid County where the Offence of Acceſſary was, or ſhall be committed or done.

And that every ſuch Acceſſary, and other Offenders above expreſſed, ſhall anſwer upon their Arraignments, and receive ſuch Tryal, Judgment, Order and Execution, and ſuffer ſuch Forfeitures,

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Pains and Penalties, as is uſed in other Caſes of Felony, any Law or Cuſtom to the contrary heretofore uſed in any wiſe notwithſtanding. [2. & 3. E. 6. C. 24.]

## CHAP. LXXVII.

*Acceſſaries in Petty Treaſon, Felony, Murder, ſhall not have their Clergy.*

FOR the due Puniſhment of ſuch as Command, Counſel, or Hire any Perſon or Perſons, to Commit Perpetrate, or do any Petty Treaſon, willful Murder, or any of the Offences in this preſent Act mentioned. Be it Enacted by the Authority of this preſent Parliament, that all and every Perſon and Perſons, that after the 1ſt. Day of *March* next coming, ſhall Malicioufly Command, Hire, or Counſel any Perſon or Perſons, to Commit or do any petty Treaſon, willful Murder, or to do any Robbery in any Dwelling Houſe or Houſes, or to Commit or do any Robbery in or near any Highway in the Realm of England, or in any other the Queen's Dominions, or to Commit or do any Robbery in any place within the Marches of *England* againſt *Scotland*, or willfully to Burn any Dwelling Houſe or any part thereof, or any Barn then having Corn or Grain in the ſame, that then every ſuch Offender or Offenders, and every of them, being Outlawed thereof, or being thereof Arraigned and found Guilty by the Order of the Law, or being otherwiſe lawfully Attainted or Convicted of the ſame Offence, or by being Arraigned thereof do ſtand mute of Malice or froward mind, or do Challenge Peremptory above the Number of Twenty Perſons, or will not Anſwer directly to ſuch Offence, ſhall not have the Benefit of his or their Clergy.

Provided always, and be it Enacted, that every Lord and Lords of the Parliament, and Peer and Peers of the Realm, having Place and Voice in the Parliament, upon every Indictment for any of the Offences aforelaid, ſhall be Tryed by their Peers, as hath been Accuſtomed by the Laws of this Realm. [4 & 5. P. & M. C. 4.]

CHAP.

Felony.

# CHAP. LXXVIII.

## *Acceſſary to Felony how Puniſht.*

FOraſmuch as Councellers and Contrivers of Felony, and Receivers of Goods Stolen, are the principal Cauſe of Commiſſion of ſuch Felonies, and as the Law now is, no Acceſſary can be Convicted, or ſuffer any Puniſhment, where the principal is not attainted, or hath the Benefit of the Clergy: Be it therefore enacted by the Authority of this preſent Parliament, that from and after the 12*th* of *February*, *Anno Dom.* 1722. If any principal Offender ſhall be convicted of any Felony, or ſhall ſtand mute, or ſhall peremptorily Challenge above the Number of Twenty Perſons Return'd to ſerve on the Jury; it ſhall and may be lawful to proceed againſt any Acceſſary, either before, or after the Fact, in the ſame Manner, as if ſuch principal Offender had been attainted thereof; notwithſtanding any ſuch principal Felon ſhall be admitted to the Benefit of his Clergy, pardon'd, or otherwiſe deliver'd before his Attainder.

And every ſuch Acceſſary, ſhall ſuffer the ſame Puniſhment (if he or ſhe be convicted) or ſhall ſtand mute, or peremptorily Challenge above the Number of Twenty Perſons to ſerve on the Jury; as he ſhould have ſuffer'd, if the Principal had been attainted.

And foraſmuch, as Buyers and Receivers of Stolen Goods, do oftentimes Convey away, and Conceal the principal Felons; ſo that they cannot be Convicted of ſuch principal Felony, and thereby ſuch Buyers and Receivers ha[illegible]ner of Puniſhment, and hath greatly encourag'd ſuch Perſons; for Remedy whereof, be it enacted by the Authority aforeſaid, that from and after the ſaid 12*th* of *February*, it ſhall and may be lawful to proſecute and puniſh every Perſon or Perſons, Buying or Receiving any Stolen Goods, (knowing the ſame to be Stolen) as for a Miſdemeanor to be puniſht by Fine and Impriſonment, although the principal Felon be not before Convicted of ſuch Felony; which ſhall exempt the Offender from being puniſht as Acceſſary, if the principal ſhall be afterwards Convicted of ſuch Felony. [1. *A.* C. 9.]

CHAP.

## CHAP. LXXIX.

*Fire.*

BEcauſe Fire doth oftentimes happen by Careleſneſs and Negligence of Servants, both in Houſes and Out-Houſes: Be it therefore enacted, if any Servant ſhall be lawfully Convicted thereof, before Two Juſtices of the Peace, by the Oath of one Witneſs, he ſhall Forfeit One Hundred Pounds, to be paid to the Church-Wardens of the Pariſh, where the Offence was committed, who ſhall diſtribute it to the Sufferers, as they ſhall think fit, and in Default of Payment of the ſame, upon Demand, the Offender ſhall be ſent to Houſe of Correction by Two Juſtices for Eighteen Months, there to be kept to hard Labour.

The reſt of this Act, relates to *London* and *Weſtminſter*. [6. *A.*]

*Fire-Works.* See Squibs.

## CHAP. LXXX.

*The Forfeitures for deſtroying the Spawn, or Fry of Fiſh.*

IF any Perſon ſhall erect any Ware or Wares along the Sea Shore, or in any Haven or Creek, with an Intent wilfully to Deſtroy the Spawn or Fry of Fiſh, he ſhall Forfeit Ten Pounds, to be levy'd by Diſtreſs and Sale of the Goods of the Offender, by Warrant under the Hand and Seal of one or more Juſtice of the Peace, and by the Oath of one Witneſs, one Moity to the Poor of the Pariſh where the Offence was Committed, and the other Moity to the Proſecutor. [3 *Jac.* 1. *C.* 12. *Sec.* 2.]

And if any Perſon being a Fiſher in any Haven or Creek, or within Five Miles thereof, ſhall Uſe a Net of a leſs Meſh then Three Inches and a Half between Knot and Knot, (except for taking of Smealds in *Norfolk* only) or a Canvas Net, or any other Engine whereby the Spawn, or Fry of Fiſh, may be deſtroy'd, he ſhall Forfeit the Nets and Ten Shillings, to be levied and diſpoſed of as aforeſaid. [22 & 23 *Car.* 2. *C.* 25.]

CHAP.

## CHAP. LXXXI.

*The Penalty for Deſtroying of any Pool, Pond, &c. or for the taking of any Fiſh.*

BE it Enacted by the Queen's Majeſty, the Lords Spiritual and Temporal, and the Commons of this preſent Parliament Aſſembled, and by the Authority of the ſame, that if any Perſon or Perſons after the Feaſt of *Pentecoſt* next coming, ſhall at any time by Day or by Night, unlawfully without Authority, Break, Cut down, Cut out, or Deſtroy any Head or Heads, Damme or Dammes of any Ponds, Pools, Motes, Stagnes, Stewes, or ſeveral Pits, wherein Fiſh are, or ſhall happen to be put in or ſtored withal by the Owners or Poſſeſſioners thereof, or do or ſhall wrongfully Fiſh in any of the ſaid ſeveral Ponds, Pools, Motes, Stagnes, Stews or Pits, to the intent to Deſtroy, Kill, Take or Steal away any of the ſame Fiſh, againſt the Will, Mind or Pleaſure of the Owners or Poſſeſſioners of the ſame, not having any Lawful Title or Authority ſo to do, and thereof be Lawfully Convicted, at the Suit of our Sovereign Lady the QUEEN, her Heirs or Succeſſors, or the Party grieved, ſhall ſuffer Impriſonment of his or their Bodies by the ſpace of Three Months, and ſhall yield and pay to the Party Grieved his Treble Damages, and after the ſaid Three Months expired, ſhall find Sufficient Sureties for his or their good abearing againſt the QUEEN our Sovereign Lady, her Heirs and Succeſſors, and all her Leige People for the ſpace of Seven Years after, or elſe ſhall remain and continue ſtill in Priſon without Bail or Mainpriſe, until ſuch time as he or they ſo Offending, can and ſhall find ſuch ſufficient Sureties, during the ſaid time and ſpace of Seven Years as is aforeſaid. [5 *Eliz.* C. 21.]

## CHAP. LXXXII.

*No Person shall Fish in the Pond of any Person without Consent.*

WHEREAS divers Idle, disorderly and mean Persons, do from time to time betake themselves to the Stealing, Taking, and Killing of Fish out of Ponds, Pools, Motes, Stews, and other several Waters and Rivers, to the great Damage of the Owners thereof: Be it therefore enacted by the Authority aforesaid, That if any Person or Persons, from and after the 1st Day of *May*, which shall be in the Year of our Lord God, 1671, shall at any time use any Casting-Net, Thief-Net, Drag-Net, Tramel, Shove-Net, or other Net whatsoever; or any Angle, Hair, Noose, Troll or Spear; or shall lay any Wears, Pots, Nets, Fish-Hooks, or other Engines; or shall take any Fish by any Art, Means or Device whatsoever in any River, Stew, Pond, Mote, or other Waters as aforesaid, or shall be aiding or assisting thereunto, without the Licence or Consent of the Lord or Owner of the said Water, and be thereof, or of any other the Offence or Offences mentioned in this Act, Convict by Confession of the Offender, or by Oath of one sufficient Witness, within one Month after the Offence committed, before any Justice of the Peace of that County, Riding, Division, or place wherein such Offence as aforesaid shall be committed; which Oath the said Justice of Peace is hereby impowered to Administer: Every such Offender or Offenders in stealing, Taking or Killing Fish, shall for every such Offence give to the Party or Parties injured, such Recompence or Satisfaction for his or their Damages, and within such time as the said Justice shall appoint, not exceeding treble Damages; and over and above, pay down presently unto the Overseers for the Use of the Poor where the said Offence shall be committed, such Sum of Money, not exceeding Ten Shillings, as the said Justice shall think meet; And in Default and Payment as aforesaid, the same to be levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal of such Justice before whom the Offender shall be Convicted, rendring the Overplus, if any be; And for want of Distress, the Offender or Offenders shall be committed to the House of Correction for such time as the Justice shall think fit, not exceeding one Month; unless the Party offending shall enter into Bond with one competent Surety

Surety or Sureties, to the Party injured, not exceeding the Sum of Ten Pounds, never to offend in like manner. [22 & 23 of *Car.* 2. C. 25. *Sect.* 7.]

## CHAP. LXXXIII.

### *Of Fishing in* Hampshire, Wiltshire, &c.

ENacted that the 13*th* of *Richard* I. shall be in force, as well for the Rivers, Creeks and Waters in *Hampshire*, and to such Parts in *Wiltshire*, as to the Rivers of *Umber*, *Ouse* and *Trent*, and other Waters in the Old Act mention'd, and under the same Penalties as are therein expreſt.

Two Justices of the Peace residing within Five Miles of the Respective Rivers of *Hampshire* and *Wiltshire*, may under their Hands and Seals, appoint Overseers to perform this Statute, who being Sworn before the said Justices, may take Offenders, and destroy their Nets and Engines, where they shall be found, which are kept or us'd contrary to any Act Relating to Fishing; and the said Overseers may bring the Offenders before any Justice of the Peace of the County, who for the first Offence shall Forfeit any Sum not exceeding Five Pounds, nor under Twenty Shillings; and for the second Offence not under Forty Shillings, nor under Ten Pounds, and as the Offence shall encrease, so the Offence shall be doubled.

The Conviction before one Justice, by the Oath of one Witness, one Moity of the Forfeiture to be to the Poor of the Parish where the Offence shall be Committed, and the other to the Prosecutor, and if the Offender shall not have whereon to take Distress, or shall not pay the Fines aforesaid on Demand, then the Justices before whom he shall be Convicted, shall send him to the House of Correction for Three Months, there to be kept to hard Labour.

The Clause herein contain'd limited for taking of *Salmon* is Repeal'd by the following Act.

Owners or Tenants of Mills in the said Counties, upon any Waters or Rivers, there shall keep open a small Hatch of a Foot square, in the direct Stream, where there is no Wheel for the *Salmon* to pass and repass, from the 11*th* of *November*, to the 31*st* of *May*, and shall not use any Nets, or other Devices in that Hatch, during

the said Term, to Kill or Take the *Salmon*, under the Penalties aforesaid; and if they lay Pots to catch Eels after the 1st of *January*, to the 10th of *March*, they must put Racks before them to keep out the Old *Salmon*; and after the 10th of *March* to the 30th of *May*, they shall lay no Pot, but what shall be wide enough to let the Fry of *Salmon* to pass through the Sea; and shall not take or keep, or offer to Sale any of the young Fry, during that Season, under the Penalties aforesaid.

No Sea Trouts shall be taken in any of the said Rivers or Creeks of the Sea in the said Counties, after the 30th of *June*, to the 11th of *November*, under the same Penalties, to be levy'd as aforesaid, for the Preservation of the Fry of Fish. [4 & 5 *A.*]

## CHAP. LXXXIV.

### *The Preservation of the Fry of Fish.*

WHEREAS of late Years the Breed and Fry of *Sea Fish* has been greatly Prejudiced and Destroyed by the using of Nets of too small Size or Mesh, and by other Illegal and Unwarrantable Practices; be it enacted by the Authority aforesaid, That from and after the 25th Day of *September*, 1716, if any Person or Persons, shall Use at Sea, upon the Coast of that Part of *Great-Britain* call'd, *England*, any Traul-Net, Drag-Net or Set-Net whatsoever, for the Catching of any kind of Fish (except *Herrings*, *Pilchards*, *Sprats* or *Lavidnian*,) which hath any Mesh or Make, of less Size than Three Inches and half at least, from Knot to Knot, or which hath any False or Double Bottom, Cod or Pouch, or shall put any Net or Nets, though of Legal Size or Mesh, upon or behind the others, in order to Catch and Destroy the small Fish which would have past through any single Net of Three Inches and Half Mesh, all and every such Person and Persons so Offending, shall Forfeit all and singular such Net or Nets, so used contrary to the true Intent and Meaning hereof; and also for every such Offence, the sum of Twenty Pounds of Lawful Money of *Great Britain*, to be Recovered and Levied by Warrant under the Hand and Seal of one or more Justices, if Convicted by the Oath of Two Witnesses; and in Default of Payment

ment of the ſaid Twenty Pounds, or of ſufficient Diſtreſs, the Offender to be Imprisoned, during the ſpace of Twelve Months.

And is is hereby Enacted, that all Penalties and Forfeitures mentioned in this Act, except Nets of Illegal or False Bottoms, Cods or Pouches as aforeſaid, (all neceſſary Charges for the Recovery thereof being firſt Deducted) ſhall be diſtributed and diſpoſed of in manner following, (that is to ſay) one Moiety thereof to the Informer, and the other Moiety thereof to the Poor of the Pariſh where ſuch Offence ſhall be committed.

And it is hereby Enacted and provided, that where any Illegal Nets of leſs Meſh or Make than Three Inches and Half at leaſt from Knot to Knot, or of Falſe or double Bottom, Cod or Pouch, ſhall be proved, as aforeſaid, to have been Forfeited, ſuch Net or Nets ſhall by Warrant of ſuch Juſtice or Juſtices, be Publickly Burnt.

And for the further Preſervation of the ſaid *Fry* of *Fiſh*, be it enacted by the Authority aforeſaid, that if any Perſon or Perſons ſhall, at any time after the 29th Day of *September*, 1716. bring to Shore, in that Part of *Great Britain* called *England*, ſell, offer, or expoſe to ſale, or ſhall exchange for any other Goods, Matter or Thing, any Unſizable *Fiſh*, that is to ſay, *Bret*, *Turbet*, *Brill*, or *Pearl*, *Codlin*, *Whiting*, *Mullet*, *Baſs*, *Place*, *Soles* or *Flounders*, which ſhall not be of the ſeveral lengths and ſizes following, from the Eyes to the utmoſt Extent of the Tail, *viz.* every *Bret* or *Turbet*, ſixteen Inches; every *Brit* or *Pearl*, fourteen Inches; every *Codlin*, twelve Inches, every *Whiting* ſix Inches; every *Baſs* and *Mullet*, twelve Inches; every *Sole* eight Inches; every *Place* or *Dab*, eight Inches; and every *Flounder*, ſeven Inches; all and every Perſon ſo offending, ſhall, for every ſuch Offence, Forfeit all and every ſuch unſizeable Fiſh ſo brought on Shore, ſold, offered, or expoſed to Sale, or exchanged, as aforeſaid, to the Poor of the Pariſh or Place where ſuch Offence ſhall be committed, and alſo ſhall, for every ſuch Offence Forfeit and Pay the ſum of Twenty Shillings of Lawful Money of *Great Britain*, one Moiety to the Informer, and the other Moiety thereof to the Poor of the Pariſh or Place where the Offence ſhall be committed, and to be Levied and Recovered as other Penalties by this Act inflicted are directed to be Levied and Recovered; and in Default of payment of the ſaid Forfeiture, or of ſufficient Diſtreſs for ſatisfaction thereof, the Offender ſhall, by Warrant of one or more Juſtice or Juſtices of the Peace, be ſent to the next Houſe or Houſes of Correction, or other Common Goal or Priſon of any County, City, Town or Place, where ſuch Of-

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fence shall be committed, there to be severely Whipt, and kept to hard Labour for the space of six Days, and not longer than fourteen Days.

Provided always, that where any Person shall make Imprisonment pursuant to this Act, for any Offence committed hereunto, in Default of payment of, or sufficient Distress for any Penalty hereby Imposed, such Person shall not be liable afterwards to pay such penalty.

Provided also, that no Person shall suffer any Punishment for any Offence committed against this Act, unless the Prosecution for the same be Commenced within one Month after such Offence committed, any thing herein contained to the contrary notwithstanding. [1 G.]

If any Person shall unlawfully take any Fish out of any River or Pond, or maliciously break down the Head or Mound of any Fish Pond, whereby the Fish shall be Lost or destroyed, shall be Guilty of Felony, by the 9th of King *George*.

See more of *Fish and Pond* under *Game*, in the 4 & 5 of *W. & M.*

*Fry of Fish in Severn.* *See Severn.*

*Fry of Fish in the River Thames.* *See Thames.*

## CHAP. LXXXV.

*The Penalty where any doth enter into Lands, where it is not Lawful, or with Force.*

AND also the King Defendeth, that none from henceforth make any Entry into any Lands and Tenements, but in Case where Entry is given by the Law, and in such Case, not with strong Hand, nor with Multitude of People, but only in peaceable and easy Manner. And if any Man from henceforth do to the contrary, and thereof be duly convict, he shall be punished by Imprisonment of his Body, and thereof ransomed at the King's Will. [5 R. 2. C. 7.]

CHAP.

## CHAP. LXXXVI.

*The Duty of Justices of the Peace when any Forcible Entry is made into Lands.*

IT is accorded and assented, that the Ordinances and Statutes made and not repealed of them that make Entries with strong Hand, into Lands and Tenements, or other Possessions whatsoever, and them hold with Force, and also of those that make Insurrections, or great Ridings, Riots, Routs, or Assemblies in Disturbance of the Peace, or of the common Law, or in affray of the People, shall be holden and kept, and fully executed: joined to the same, that at all times, that such forcible Entries shall be made, and complaint thereof cometh to the Justices of Peace, or any of them, that the same Justices or Justice take sufficient Power of the County, and go to the Place where such force is made: And if they find any that hold such Place forcibly, after such Entry made, they shall be taken and put in the next Goal, there to abide, convict by the Record of the same Justices or Justice until they have made Fine and Ranſome to the King.

And that all the People of the County, as well the Sheriff as other, shall be attendant upon the same Justices, to go and assist the same Justices to Arrest such Offenders, upon pain of Imprisonment, and to make Fine to the King.

And in the same manner it shall be done of them that make such forcible Entries in Benefices or Offices of Holy Church. [15 *R.* 2. C. 2.]

## CHAP. LXXXVII.

*The Duty of Justices of Peace, where Land is entred upon or detained with Force.*

WHEREAS by the Noble King *Richard*, late King of *England* after the Conquest, the II. at his Parliament holden at *Westminster*, the Morrow after *All Souls*, the Fifteenth Year of his Reign,

Reign, amongſt other Things, it was ordained and eſtabliſhed, that the Statutes and Ordinances made and not repealed of them that make Entries with ſtrong Hand into Lands or Tenements, or other Poſſeſſions whatſoever, and them hold with force, and of them that make Inſurrections, Riots, Routs, Ridings and Aſſemblies in Diſturbance of the Peace, or of the Common Law, or in affray of the People, ſhould be holden and fully executed.

And moreover, it is ordained by the ſame Statute, that at all times that ſuch forcible Entries be made, and complaint thereof come to the Juſtices of the Peace, or any of them, that the ſame Juſtices or Juſtice ſhall take the power of the County, and ſhall go, or one of them ſhall go to the place where ſuch Force is made. And if they find, or he findeth any holding ſuch place, forcibly after ſuch Entry made, they ſhould be taken and put in the next Goal, there to remain convict by the Record of the ſame Juſtices or Juſtice, until they have made Fine and Ranſome to the King. And that all the People of the County, as well Sheriffs as other, ſhall be attending to the ſaid Juſtices, and to aſſiſt them to Arreſt ſuch Malefactors, upon pain of Impriſonment, and to make Fine and Ranſom to the King. And that in the ſame Manner be done of them that make forcible Entries, into Benefices or Offices of Holy Church, as in the ſame Statute is contained more at large.

And for that the ſaid Statute doth not extend to Entries in Tenements in peaceable Manner, and after holden with Force, nor if the Perſons which enter with Force into Lands or Tenements, be removed and voided before the coming of the ſaid Juſtices or Juſtice, as before, nor any pain ordained, if the Sheriff do not obey the Commandments and Precepts of the ſaid Juſtices, for to execute the ſaid Ordinance, many wrongful and forcible Entries be daily made, in Lands and Tenements by ſuch as have no Right, and alſo divers Gifts and Feoffments, and Diſcontinuances ſometimes made to Lords, and other puiſſant Perſons and Extortioners, within the ſaid Counties, where they be Converſant, to have Maintenance, and ſometimes to ſuch Perſons as be unknown to them ſo put out, to the intent to delay and defraud ſuch rightful Poſſeſſors of their Right and Recovery for ever, to the final Diſheriſon of Divers of the King's faithful Liege People, and likely daily to encreaſe, if due Remedy be not provided in this behalf: Our Lord the King conſidering the Premiſſes, hath ordained, that the ſaid Statute and all other Statutes of ſuch Entries or Alienations made in times paſt, ſhall be holden and duly executed:

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Joyned to the same, that from henceforth where any doth make any forcible Entry in Lands and Tenements, or other Possessions, or them hold Forcibly, after complaint thereof made within the same County where such Entry is made, to the Justices of Peace, or to one of them by the Party grieved, that the Justices or Justice so warned within a convenient Time, shall cause, or one of them shall cause the said Statute duly to be executed, and that at the Cost of the Party so grieved.

And moreover though that such Persons making such Entries be present, or else departed before the coming of the said Justices or Justice, notwithstanding the same Justices or Justice in some good Town next to the Tenements so entred, or in some other convenient Place, according to their Discretion, shall have, or either of them shall have Authority and Power to enquire by the People of the same County, as well of them that make such forcible Entries in Lands and Tenements, as of them which the same hold with Force. And if it be found before any of them that any doth contrary to this Statute, then the said Justices or Justice, shall cause to Reseize the Lands and Tenements so entred or holden as afore, and shall put the Party so put out, in full Possession of the same Lands and Tenements, so Entred or holden as before.

And if any Person after such Entry into Lands or Tenements holden with Force, make a Feoffment, or other Discontinuance to any Lord or other Person, to have Maintenance, or to take away and defraud the Possessor of his Recovery in any wise, if after in Assize, or other Action thereof to be taken or pursued before Justices of Assizes, or other the King's Justices whatsoever, by due enquiry thereof to be taken, the same Feoffments and Discontinuances may be duly proved to be made for maintenance, as afore is said, that then such Feoffments, or other Discontinuances so as before made, shall be void frustrate, and holden for none.

And also, when the said Justice or Justices make such Enquiries, as before, they shall make, or one of them shall make their Warrants and Precepts to be directed to the Sheriff of the same County, commanding him of the King's behalf, to cause to come before them and every of them sufficient and indifferent Persons, dwelling next about the Lands so Entred, as before, to enquire of such Entries, whereof every Man which shall be empannelled to enquire in this behalf, shall have Land or Tenement of the Yearly Value of Forty Shillings by Year at the least, above Reprises, and that the Sheriff return Issues upon every of them at the Day of the first Precept, returnable

turnable Twenty Shillings, and at the ſecond Day Forty Shillings, and at the third Time Five Pound, and at every Day after the Double.

And if any Sheriff or Bailiff within a Franchiſe having return of the King's Writ, be ſlack and make not Execution duly of the ſaid Precepts to him directed, to make ſuch Enquiries, that he ſhall Forfeit to the King Twenty Pounds for every Default, and moreover ſhall make Fine and Ranſome to the King.

And that as well the Juſtices or Juſtice aforeſaid, as the Juſtices of Aſſizes and every of them at their coming into the Country to take Aſſizes ſhall have, and every of them ſhall have Power to hear and determine ſuch Defaults and Negligences of the ſaid Sheriffs and Bailiffs, and every of them, as well by Bill at the Suit of the Party grieved for himſelf, as for the King to ſue by Indictment only to be taken for the King.

And if the Sheriff or Bailiff be only attainted in this behalf by Indictment, or by Bill, that he which ſueth for himſelf and for the King, have the one Moiety of the Forfeiture of Twenty Pounds, together with his Coſts and Expence, and that the ſame Proceſs be made againſt ſuch Perſons indicted or ſued by Bill in this behalf, as ſhould be againſt Perſons indicted or ſued by Writ of Treſpaſs done with Force and Arms againſt the Peace of the King.

And moreover, if any Perſon be put out or diſſeiſed of any Lands or Tenements in forcible Manner, or put out peaceably, and after holden out with ſtrong Hand, or after ſuch Entry, any Feoffment or Diſcontinuance in any wiſe thereof be made to defraud and take away the Right of the Poſſeſſor, that the Party grieved in this behalf ſhall have Aſſize of *Novel diſſeiſin*, or Writ of Treſpaſs againſt ſuch Diſſeiſor. And if the Party grieved recover by Aſſize or by Action of Treſpaſs.

And it be found by Verdict, or in other Manner by due Form in the Law, that the Party Defendant entred with Force into the Lands or Tenements, or them after, his Entry did hold with Force, that the Plaintiff ſhall Recover his treble Damages againſt the Defendant: And moreover that he make Fine and Ranſome to the King.

And that Mayors, Juſtices or Juſtice of Peace, Sheriffs and Bailiffs of Cities, Towns and Burroughs, having Franchiſe, have in the ſaid Cities, Towns and Boroughs, like Power, to Remove ſuch Entries, and in other Articles aforeſaid ariſing within the ſame, as the Juſtice of Peace, and Sheriffs in Counties and Countries aforeſaid have.

Provided always, that they which keep their Poſſeſſions with Force in any Lands and Tenements, whereof they or their Anceſtors, or they whoſe Eſtate they have in ſuch Lands and Tenements, have continued their Poſſeſſions in the ſame by Three Years or more, be not endamaged by Force of this Statute. [8 *H.* 6. C. 9.]

## *Transubſtantiation.*

### CHAP. LXXXVIII.

*Wrongful Diſſeiſin is no deſcent in Law.*

WHEREAS divers Perſons of their inſatiable Minds have heretofore by Strength, and without Title, entred into Manors, Lands, Tenements, and other Hereditaments, and wrongfully diſſeiſed the rightful Owners and Poſſeſſors thereof, and ſo being Seaſed by Diſſeiſin, have thereof died Seaſed, by Reaſon of which dying Seaſed the Diſſeiſed, or ſuch other Perſons as before ſuch deſcent might have lawfully entred into the ſaid Manors, Lands and Tenements, were, and be thereby clearly excluded of their Entry into the ſaid Manors, Lands and Tenements, and put to their Action for their Remedy and Recovery therein, to their great Coſt and Charges. For Reformation whereof, be it enacted by the Authority of this preſent Parliament, that the dying Seaſed hereafter of any ſuch Diſſeiſor, of, or in any Manors, Lands, Tenements, or other Hereditaments having no Right or Title therein, ſhall not be taken or deemed from henceforth, any ſuch deſcent in the Law, for to Toll, or take away the Entry of any ſuch Perſon or Perſons, or their Heirs, which at any time of the ſame deſcent, had good and lawful Title of Entry into the ſaid Manors, Lands, Tenements or Hereditaments, except that ſuch Diſſeiſee hath had the peaceable Poſſeſſion of ſuch Manors, Lands, Tenements or Hereditaments, whereof he ſhall ſo die Seaſed, by the ſpace of Five Years next after the Diſſeiſin therein by him committed, without Entry or continual Claim, by or of ſuch Perſon or Perſons as have lawful Title thereunto. [32 *H.* 8. C. 33.]

## CHAP. LXXXIX.

*There shall be no Restitution upon an Indictment of forcible Entry, or withholding Force, where the Defendant hath been Three Years in quiet Possession, and his Estate not ended.*

WHEREAS there is one good Act made and established in the Eighth Year of the Reign of King *Henry* VI. against such Persons as should make forcible Entry into Lands, Tenements, and other Possessions, or them should forcibly hold: And one very good Proviso or Clause in the said Act contained, as ensueth.

Provided always, that they which keep their Possessions with Force, in any Lands and Tenements, whereof they or their Ancestors have continued their Possession in the same by Three Years, or more be not endamaged by Force of the said Statute.

And whereas divers of the Queen's Majesties good and loving Subjects, and their Ancestors, or those whose Estate they have for many Years together, above the space of Three Years or more, have been in quiet Possession of their Dwelling-Houses, and other their Lands and Possessions: And now of late divers of her Majesties said Subjects having Entries made upon their Possessions, having had such quiet and long Possession, for disturbing of such Entrers, and for keeping of their Possession against such Entrers, by colour of Indictments of forcible Entry, or forcible keeping Possessions found against them, by means of the Oaths of such Entrers, have been removed and put out of their Dwelling-Houses, and other Possessions which they have quietly held by the space of Three Years together, or longer Time, next before such Indictments found against them, against the true meaning and intent of the said Proviso or Clause contained in the said Act.

For Remedy of which Inconvenience, and for the true Declaration and Explanation of the Law therein be it ordained, declared, and enacted by the Authority of this present Parliament, that no Restitution upon any Indictment of forcible Entry or holding with Force, be made to any Person or Persons, unless the Person or Persons so indicted hath had the Occupation, or hath been in quiet Possession by the space of three whole Years together, next before the Day of such Indictment so found, and his, her, or their Estates or Estates, therein

therein not ended or determined: which the Party indicted ſhall and may Alledge for ſtay of Reſtitution, and Reſtitution to ſtay until that be tried, if the other will deny or traverſe the ſame. And if the ſame Allegation be tried againſt the ſame Perſon or Perſons ſo indicted, then the ſame Perſon or Perſon ſo indicted to pay ſuch Coſts and Damages to the other Party, as ſhall be Aſſeſſed by the Judges or Juſtices before whom the ſame ſhall be tried, the ſame Coſts and Damages to be Recovered and Levied, as is uſual for Coſts and Damages contained in Judgments upon other Actions. [31 *Eliz.* C. 11.]

## CHAP. XC.

*Upon Indictments of forcible Entries, Reſtitution of Poſſeſſion ſhall be given in certain Caſes not formerly provided for.*

BE it enacted by the Authority of this preſent Parliament, that ſuch Judges, Juſtices or Juſtice of the Peace, as by reaſon of any Act or Acts of Parliament now in Force, are authorized, and enabled upon enquiry, to give Reſtitution of Poſſeſſion unto Tenants, of any Eſtate of Freehold, of their Lands or Tenements, which ſhall be Entred upon with Force, or from them with-holden by Force, ſhall by reaſon of this preſent Act, have the like, and ſame Authority and Ability from henceforth (upon Indictment of ſuch forcible Entries, or forcible with-holdings before them duly found) to give like Reſtitution of Poſſeſſion unto Tenants for Term of Years, Tenants by Copy of Court Roll, Guardians by Knights Service, Tenants by *Elegit*, Statute Merchant, and Staple of Lands and Tenements, by them ſo holden, which ſhall be entred upon by Force, or holden from them by Force. [21 *Jam.* C. 15.]

CHAP.

Thomas Williams

## CHAP. XCI.

*Who ſhall be judged a Foreſtaller, who a Regrator, and who an Ingroſſer, and the Puniſhment of them.*

1. BE it Enacted by the Authority of this Parliament, that if any Perſon ſhall Buy, or Contract for any Merchandiſe, Victual, or other Thing whatſoever in the Way, before it ſhall be brought (by Land, or by Water) into any City, Port, Road, Fair or Market, where it ſhould be Sold, or ſhall Cauſe the ſame to be ſo Bought, or ſhall diſwade People from bringing any ſuch Commodity to any ſuch Place, or (being brought) ſhall perſwade them to inhaunce the Price thereof, ſhall be adjudg'd a *Foreſtaller*.

2. A *Regrater* is a Perſon that Buys any Grain, Wine, Fiſh, Butter, Cheeſe, Candles, Tallow, Sheep, Lambs, Calves, Swine, Piggs, Geeſe, Capons, Hens, Chickens, Pidgeons, Conies, or other dead Victual whatſoever, brought to a Fair or Market to be ſold there; and do Sell the ſame again in the ſame Fair or Market, or in ſome other Fair or Market within Four Miles.

3. An *Ingroſſer*, is a Perſon that gets into his Hands by Buying, Contract or Promiſe (other than by Demiſe, Grant or Leaſe of Land or Tyth) any Corn growing in the Fields, or other Grain, Butter, Cheeſe, Fiſh, or other dead Victual whatſoever, with an intent to Sell it again.

4. The Party Guilty of any of the Offences aforeſaid, ſhall Forfeit for the firſt Offence, the Value of the Goods ſo Bought or Had, and ſuffer two Months Impriſonment without Bail; for the ſecond Offence the double Value, and ſuffer ſix Months Imprisonment without Bail, and for the third Offence, ſhall Forfeit all his Goods, be ſet upon the Pillory, and be Impriſon'd during the King's Pleaſure.

5. This Act ſhall not Reſtrain the Buying of Barley and Oats, to be converted into Malt or Oat-meal, nor Proviſion of any Town Corporate, Ship, Caſtle, Fort, or any Fiſh-Monger, Inn-holder, Victualer, Butcher, Poulterer, or People Dwelling within one Mile of the Main Sea, who uſe to Buy and Sell Fiſh, nor any Badger, Ladder, Kidder or Carrier aſſign'd to that Office by three Juſtices of the Peace, and delivering the Commodity out of his Hand within one Month after he Buys it.

6. He

6. He that Buys Grain in any Market for change of Seed, ſhall bring as much the ſame Day, and Sell it, if he can, according to the preſent Price of Grain there, on pain to Forfeit double the Value of the Grain ſo Bought.

7. He that Buys any Cattle, and Sells the ſame again Alive within Five Weeks, ſhall Forfeit double the Value thereof, during which time he ought to keep them upon Paſture, which he hath either by Grant or Preſcription.

8. Juſtices of the Peace in Seſſions have Power to hear and determine the aforeſaid Offences by Inquiſition, Preſentment, Bill or Information, or by the Teſtimony of two Witneſſes, and to levy one half for the Uſe of the King, and the other to the Proſecuter, by *fieri facias* or *Capias*.

9. None ſhall be puniſht Twice for the ſame Offence.

10. This Act ſhall not reſtrain the Tranſporter of Grain or Cattle from Port to Port, (allowed by three Juſtices of the Peace, and not Foreſtaling) ſo that he Imbark the ſame, within Forty Days after he Buys them, and bring back from ſome Juſtice of the Peace, or Head Officer, a Certificate of their unlading agreeable to his Cocket.

11. The Offences againſt this Statute ſhall be proſecuted within two Years after the Offence.

12. This Act ſhall not Reſtrain a Drover allowed by three Juſtices of the Peace, who ſhall Sell his Cattle at Forty Miles diſtant from the Place where he bought them; howbeit, ſuch Licence ought to continue but one Year. [5 & 6 *E.* 6. C. 14.]

Enacted, that the Statute of the 6 of *Ed.* 6. C. 14. ſhall not extend to Wines, Oils, Sugars, Spices, Currants, or other Foreign Victual brought from beyond Sea. Fiſh and Salt only excepted. [13 *E.* C. 25.]

Penalties of Forgery, inquirable only by Judges of Aſſize.

## CHAP. XCII.

*Fuſtian.*

THE Forfeitures of uſing any unlawful Inſtruments, to be recover'd as by Action of Debt, in any Court of Record.

CHAP.

## CHAP. XCIII.

*Game.*

THE Penalty of Tracing of Hares in the Snow, by the 1. of King *James* 1*st*. *C*. 27. is Twenty Shillings, but Query, if this Act is not void. [14 & 15 of *H*. 8. *Ch*. 10.]

## CHAP. XCIV.

*No Person shall Kill, or set Snares for Hares.*

WHEREAS divers idle and disorderly Persons, have of late time taken up a Practice to Take and Kill Hares and Conies with Snares, Hare-pipes, and other Engines, in or near Woods, Warrens, or other Places; It is hereby enacted, that if any Person or Persons from and after the First Day of *May*, which shall be in the Year of our Lord God, 1671. shall be found or apprehended setting or using any Snares, Hare-Pipes, or other like Engines, and shall be thereof convicted in manner following; shall give the Party or Parties injured such Recompence or Satisfaction for his or their Damages, and within such time as shall be appointed by the Justice before whom such Offender shall be Convicted, and over and above pay down presently unto the Overseers for the Use of the Poor of the Parish where such Offence shall be committed, such Sum of Money not exceeding Ten Shillings, as the said Justice shall think meet: And if such Offender or Offenders do not make Recompence or Satisfaction to the said Party or Persons injured, and also pay the said Sum to the Poor in manner and form aforesaid, then the said Justice shall commit the Offender or Offenders to the House of Correction for such time as the said Justice shall think fit, not exceeding One Month. [23 & 23 *C*. 2. *C*. 25.]

T

CHAP.

## CHAP. XCV.

### *For Preſervation of the Game.*

BY the Statute of 4 & 5 *W.* & *M.* C. 25. reciting, That whereas divers Laws have been made for Preſervation of the Game, notwithſtanding which Laws, or for want of the due Execution thereof, the Game of this Kingdom hath been very much deſtroyed by many idle Perſons, who afterwards betake themſelves to Robberies, Burglaries, or other like Offences, and neglect their lawful Imployments. For Remedy whereof, and the more effectual Preſervation of the Game, it is enacted, That all Laws now in force, for the better Preſervation of the Game, and every Article in them contained, not hereby altered or repealed, ſhall be duly put in Execution, under the Penalties therein contained, to be levied and diſpoſed of as by the ſaid Laws are directed.

And for the more eaſie Conviction of Offenders, every Conſtable, &c. being thereunto authorized by Warrant of one or more Juſtice of the Peace, ſhall have power to enter into and ſearch (in ſuch manner, as by *an Act for the more effectual Diſcovery and Puniſhment of Deer-Stealers*, made in the 3d and 4th Years of their late Majeſties Reign is provided, in caſe of Veniſon, or any Skin of Deer or Toyls) the Houſe or Houſes, Out-houſes, or other Places belonging to ſuch Houſes of ſuſpected Perſons not qualify'd: And in Caſe any *Hare, Patridge, Pheaſant, Pidgeon, Fiſh, Fowl*, or other Game ſhall be upon ſearch or otherwiſe found, the Offender ſhall be carried before ſome Juſtice of Peace of the ſame County, *&c.* and if he do not give a good Account how he came by them, or produce the Party of whom he bought the ſame, or ſome credible Witneſs, to depoſe upon Oath, ſuch Sale thereof, he ſhall be convicted by the ſaid Juſtice of ſuch Offence, and Forfeit for every *Hare, Patridge, Pheaſant, Pidgeon, Fiſh, Fowl*, or other Game, any Sum not under Five Shillings, and not exceeding Twenty Shillings, to be aſcertained by the ſaid Juſtice. one Moiety to the Informer, and the other to the Poor of the Pariſh where the Offence was committed, to be levied by Diſtreſs and Sale of the Offenders Goods, by Warrant of the Juſtice before whom the Offender ſhall be convicted, rendring the Overplus, if any be; and for want of Diſtreſs, the Offender to be com-

committed to the Houſe of Correction, for any time not exceeding one Month, and not leſs than Ten Days, there to be whipp'd and kept to hard Labour; and if any Perſon not qualified by the Laws of this Realm ſo to do, ſhall keep or uſe any *Bows*, *Grey-hounds*, *Scrting-Dogs*, *Ferrets*, *Coney-Dogs*, *Hays*, *Lurchers*, *Nets*, *Tunnels*, *Low-Bells*, *Hare-Pipes*, *Snares*, or other Inſtruments for Deſtruction of *Fiſh*, *Fowl*, or other Game, and ſhall be thereof convicted as aforeſaid; he ſhall be ſubject to the ſame Penalties as the Perſon who ſhall be found to have any *Hare*, *Partridge*, *Pheaſant*, *Pigeon*, *Fiſh*, *Fowl*, or other Game, as aforeſaid; and if any Perſon ſo produced or charged with the ſaid Offence, ſhall not before the ſame Juſtice give ſuch evidence of his Innocence, as aforeſaid, he ſhall be convicted thereof in the ſame manner as the Perſon, *&c.* firſt charged therewith, and ſo from Perſon to Perſon, untill the firſt Offender be diſcovered. [*Quere, Whether this Penalty is not alter'd by the Fifth of Q. Ann.*]

All Perſons authorized by Lords of Mannors or Royalties, as Game-keepers, may within ſuch Mannors or Royalties, oppoſe and reſiſt ſuch Offender in the night time, in the ſame manner as if ſuch Fact had been committed within any *Chaſe*, *Park* or *Warren* incloſed.

No perſon after the 25th of *March*, 1693. ſhall keep any *Net*, *Angle*, *Leap*, *Pitch*, *&c.* (other than Makers or Sellers thereof, or Owners of Fiſheries) and that Owners of Fiſheries or their Deputies, may ſeize and keep to their own uſes all *Nets*, *Angles*, *Leaps*, *Pitches* and other Engines, which they ſhall find uſed or laid, or in the Cuſtody of any perſon Fiſhing in any River or Fiſhery, (without their Conſent.) Alſo any perſon by Warrant from a Juſtice, in the day time, may ſearch the Houſes, *&c.* of perſons prohibited to keep the ſame, as ſhall be ſuſpected to keep any Net, *&c.* or other Engine aforeſaid, and the ſame to ſeize, detain and keep to his own uſe, or deſtroy, as prohibited to be kept by perſons unqualified by Law.

This Act ſhall not abridge any *Fiſherman*, or his *Apprentice*, lawfully authorized to Fiſh in Navigable Rivers with lawful Nets, *&c.*

No *Certiorari* to be allowed for removal of any Conviction or Proceeding upon this Act, unleſs the Party convicted ſhall before its allowance become bound to the Proſecutor in 10 *l.* with ſufficient Sureties, upon condition to pay to the Proſecutor, within a Month after ſuch Conviction confirmed, or a *Procedendo* granted, his full Coſts and Charges, to be aſcertained upon his Oath, in default whereof,

whereof; the Juſtice to proceed to the Execution of ſuch Conviction, as if no *Certiorari* had been awarded.

No Offender puniſhed by this Act, ſhall be proſecuted upon any other Law for the ſame Offence.

Any perſon proſecuted, for putting this Act in Execution, may plead the General Iſſue, and give the ſpecial Matter in Evidence; and if the Verdict paſs againſt the Plaintiff, or he becomes Nonſuit, or diſcontinues his Action, the Defendant ſhall have treble Coſts.

If any inferiour *Tradeſman*, *Apprentice* or diſſolute Perſon, preſume to *Hunt*, *Hawk*, *Fiſh* or *Fowl*, (unleſs in company with the *Maſter* of ſuch *Apprentice*, duly qualified by Law) he ſhall be ſubject to the Penalties of this Act, and be ſued for wilful Treſpaſs, in coming on any Man's Land; and if found guilty, the Plaintiff ſhall not only recover his Damages, but full Coſts of Suit.

For preſerving the Red and *Black Game* of *Groweſe* or *Heath-Polts*, no perſon on any *Mountains*, *Hills*, *Heaths*, *Moors*, *Foreſts*, *Chaſes* or other *Waſtes*, ſhall burn between the 2d of *February* and the 24th of *June*, any *Grig*, *Ling*, *Heath*, *Furze*, *Goſs* or *Fern*, upon pain of being committed to the Houſe of Correction for ten days or a Month, there to be whipp'd and kept to hard Labour.

## CHAP. XCVI.

### *An Act for the better Preſervation of the Game.*

WHEREAS ſeveral Laws have already been Enacted for the better Preſervation of the Game, and by Experience been found not ſufficient to prevent the Deſtroying the Game, by reaſon of the Multitude of *Higlars* and other *Chapmen*, which give great Encouragement to Idle Looſe Perſons to neglect their lawful Employments, to follow and deſtroy the ſame; for Remedy whereof, and the more effectual Preſervation of the Game, be it Enacted by the Queen's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, that all and every of the Laws now in being for the better Preſervation of the *Game*, ſhall continue, remain and be in the ſame Force, not hereby repealed and altered.

And be it further enacted by the Authority aforeſaid, That if any *Higlar*, *Chapman*, *Carrier*, *Inn-keeper*, *Victualler* or *Alehouſe-keeper*, ſhall from and after the firſt Day of *May*, One thouſand ſeven hundred and ſeven, have in his or their Cuſtody or Poſſeſſion any *Hare*, *Pheaſant*, *Partridge*, *Moor*, *Heath-game*, or *Grouſe*, or ſhall buy, ſell or offer to ſell, any *Hare*, *Pheaſant*, *Partridge*, *Moor*, *Heath-game*, or *Grouſe*, every ſuch *Higlar*, *Chapman*, *Inn-keeper*, *Victualler*, *Alehouſe-keeper*, or *Carrier* (unleſs ſuch *Game* in the Hands of ſuch *Carrier* be ſent up by Perſon or Perſons qualified to kill the *Game*) ſhall upon every ſuch Offence be carried before ſome Juſtice of the Peace for the *County*, *Riding*, *City* or *Town-Corporate*, or Liberties where the ſaid Offence is committed; and upon View, or upon the Oath of One or more Credible Witneſſes, ſhall be Convicted of the ſame, ſhall forfeit for every *Hare*, *Pheaſant*, *Partridge*, *Moor*, *Heath-game*, or *Grouſe*, the Sum of Five Pounds, One half to the Informer, and the other Half to the Poor of the Pariſh where the Offence was committed; the ſame to be levied by Diſtreſs and Sale of the Offenders Goods, by Warrant under the Hand and Seal of the Juſtice or Juſtices of the Peace, before whom ſuch Offender or Offenders ſhall be Convicted, tending the Overplus (if any be) the Charge of Diſtraining being firſt deducted; And for want of Diſtreſs, the Offender or Offenders to be committed to the Houſe of Correction for the firſt Offence, for the ſpace of three Months, without Bail or Mainpriſe, and for every ſuch other Offence, for the ſpace of four Months; provided that ſuch Conviction be made within three Months after ſuch Offence committed: And that if any *Certiorari* ſhall be allowed to remove any Conviction made, or other Proceedings of or concerning any Matter or Thing in this Act, into any of the Courts at *Weſtminſter*, upon any Pretence whatſoever, unleſs the Party or Parties, againſt whom ſuch Conviction ſhall be made, ſhall before the Allowance of ſuch *Certiorari*, become bound to the Perſon or Perſons proſecuting the ſame, in the Sum of Fifty Pounds, with ſuch ſufficient Securities as the Juſtice or Juſtices of the Peace, before whom ſuch Offender ſhall be Convicted, ſhall think fit, with Condition to pay unto the Proſecuters, within Fourteen Days after ſuch Conviction or *Procedendo* granted, their full Coſts and Charges, to be aſcertained upon their Oaths; And that in Default thereof, it ſhall be Lawful for the ſaid Juſtice or Juſtices, or others, to proceed for the due Execution of ſuch Conviction, in ſuch manner as if no ſuch *Certiorari* had been awarded.

And

And for the better Diſcovery of ſuch *Higlar*, *Chapman*, *Carrier*, *Inn-keeper*, *Alehouſe-keeper* and *Victualler*, as ſhall offer to buy or ſell any *Hare*, *Pheaſant*, *Partridge*, *Moor*, *Heath-game*, or *Grouſe*, Be it further Enacted by the Authority aforeſaid, That from and after the ſaid firſt Day of *May*, any Perſon that ſhall deſtroy, ſell, or buy any *Hare*, *Pheaſant*, *Partridge*, *Moor*, *Heath-game*, or *Grouſe*, and ſhall within Three Months make Diſcovery of any *Higlar*, *Chapman*, *Carrier*, *Inn-keeper*, *Alehouſe keeper* or *Victualler*, that hath bought or ſold, or offered to buy or ſell, or had in their Poſſeſſion any *Hare*, *Pheaſant*, *Partridge*, *Moor*, *Heath-game*, or *Grouſe*, ſo as any one ſhall be Convicted of ſuch Offence, in manner as aforeſaid, ſuch Diſcoverer to be diſcharged of the Pains and Penalties hereby Enacted for killing or ſelling ſuch Game, as aforeſaid, ſhall receive the ſame Benefit or Advantage as any other Informer ſhall herein entitled to by Vertue of this Act for ſuch Diſcovery and Information.

And be it Enacted by the Authority aforeſaid, That if any Perſon or Perſons, not qualified by the Laws of this Realm ſo to do, ſhall keep or uſe any *Greyhounds*, *Setting Dogs*, *Hayes*, *Lurchers*, *Tunnels*, or any other Engine to kill and deſtroy the *Game*, and ſhall be thereof Convicted upon the Oath of One or Two Credible Witneſſes, by the Juſtice or Juſtices of the Peace where ſuch Offence is committed, as aforeſaid, the Perſon or Perſons ſo Convicted, ſhall forfeit the Sum of Five Pounds, One Half to be paid to the Informer, and the other Half to the Poor of the Pariſh where the ſame was committed; the ſame to be levied by Diſtreſs and Sale of the Offenders Goods, by Warrant under the Hand and Seal of ſuch Juſtice or Juſtices, before whom ſuch Perſon or Perſons ſhall be convicted, as aforeſaid; And for want of ſuch Diſtreſs, the Offender or Offenders ſhall be ſent to the Houſe of Correction for the ſpace of three Months for the firſt Offence, and for every ſuch other Offence, four Months; And that it ſhall and may be Lawful to and for any of her Majeſties Juſtices of the Peace, in their reſpective *Counties*, *Ridings*, *Cities*, *Towns Corporate* or *Liberty*, and the Lords and Ladies of his, her, their, or any of their reſpective Manors, within the ſaid Manors, to take away any ſuch *Hare*, *Pheaſant*, *Partridge*, *Moor*, *Heath game*, or *Grouſe*, or any other *Game*, from any ſuch *Higlar*, *Chapman*, *Inn-keeper*, *Victualler*, or *Carrier*, or any other Perſon or Perſons not qualified to kill the ſame, and ſhall be found in their Cuſtody and Poſſeſſion; and likewiſe to take away ſuch *Dogs*, *Nets*, or other *Engines*, which ſhall be in the Power or Cuſtody

of

of any Person or Persons not qualified by the Laws to keep the same, to their own proper Use, without being Accomptable to any Person or Persons for the same: And that it shall and may be lawful for any Lord or Lady of his or her respective Lordship or Manor, by Writing under his or her Hand and Seal, to impower his or her *Game-keeper* or *Game-keepers*, upon his or her own Lordship or Manor, as aforesaid, to kill *Hare*, *Pheasant*, *Partridge*, or any other *Game* whatsoever: But if the said *Game-keeper* shall, under Colour or Pretence of the said Power and Authority to kill or take the same for the Use of such Lord or Lady, and afterwards sell or dispose thereof to any Person or Persons whatsoever, without the Consent or Knowledge of the Lord or Lady of such Manor or Manors that hath given such Power or Authority, in manner as aforesaid; And shall be thereof convicted upon the Complaint of such Lord or Lady of any Manor, and upon the Oath of One or more Credible Witnesses, before any One or more of her Majesties Justices of the Peace, as aforesaid, upon Conviction such *Game-keeper* shall be committed to the House of Correction for the space of Three Months, and there to be kept to hard Labour: And this Act shall remain and be in Force for the space of Three Years, from the first Day of *May*, One thousand seven hundred and seven, and from thence to the End of the next Sessions of Parliament, and no longer.

And whereas the burning of Heath, Ling and Braket, or Fern, upon the Forest of *Sherwood* in the County of *Nottingham*, and in the Parts thereunto adjacent, as it is frequently used by divers disorderly and dissolute Persons, doth not only destroy the Breed of Game, but hath also very frequently been the Occasion of burning, damaging and destroying of great Quantities of Wood, Timber and Fences within the said Forest, and Places thereunto adjacent, to the great Damage and Prejudice of the Owners thereof: Be it further Enacted by the Authority aforesaid, That if any Person or Persons shall, at any Time after the said first Day of *May*, set Fire to any Ling, Heath or Brakes growing upon any Part of the said Forest, or on any other Waste, Common, or Land within the said County of *Nottingham*, or shall cut any Ling, Heath or Brakes, in order to be burnt to Ashes upon the Ground, or shall burn the same to Ashes upon the Ground, in any Part of the said Forest, or in any Waste, Common, or Land lying within the said County, without Licence from the Owner of the Soil, where such Offence shall be committed, shall forfeit to the Owner of the Soil, where such Offence shall be committed, Ten Shillings, and all the Ashes which shall be

be so burnt, and every Person and Persons who shall buy Fern Ashes of any such Unlicensed Person or Persons within the said County, shall forfeit for every Peck of such Ashes, which shall be so bought, the Sum of Ten Shillings; One Moiety thereof to the Poor of the Parish where such Offence shall be committed, and the other Moiety thereof to such person or persons as shall give Information of the said Offence: And it shall be Lawful for the Keepers and Officers of such Parts of the said Forest, and for the Owners of the Land or Soil where any the said Offences shall be committed, their Servants and Agents, to take away, for his and their own Use, the Scythes, Rakes, and other Instruments to be used for any the purposes aforesaid, of every Person and Persons who they shall find so offending: And it shall be Lawful for any one or more of her Majesties Justices of the Peace, upon Complaint made to him or them, against any person or persons for any the said Offences, to send forth his or their Warrant or Warrants to bring the person or persons so complained of before him or them: And if the person or persons so complained of, shall be Convict of any of the said Offences before such Justice or Justices, by the Oath or Oaths of One or more Witness or Witnesses, then and in such Case the Party so Convict, shall immediately after such Conviction, pay such Penalties and Forfeitures as are hereby before imposed for the said Offences respectively, to such person and persons as the same Penalties and Forfeitures are hereby appointed to be paid: And in Default thereof shall be committed by such Justice or Justices to the House of Correction, there to be kept to hard Labour for the space of one Month, unless the said Penalties and Forfeitures shall be in the mean time paid. 4 *Anno Quinto* Annæ *Reginæ*.]

## CHAP. XCVII.

*An Act for making the Act of the Fifth Year of Her Majesties Reign, for the better Preservation of the Game, perpetual, and for making the same more effectual.*

WHEREAS the Act made in the Fifth Year of her Majesties Reign, intituled, *An Act for the better Preservation of the Game*, will Expire at the End of this present Session of Parliament, unless the same be Continued: And whereas the said Act hath been found

to

to be an Useful Law for the Preservation of the Game of this Kingdom, Be it therefore Enacted by the Queens most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That the said recited Act, and all the Clauses, Matters, and Things therein contained, shall stand in full Force and Virtue, and be continued, and Deemed, and Taken to be a Perpetual Law, subject nevertheless to the Additions or Alterations herein after in this Act contained: That is to say, Whereas by the said recited Act, any Lord or Lady of a Manor might appoint several Game-keepers in the same Manor, and every one of the Game-keepers so appointed might kill any Game in the same Manor; For the Preventing therefore of the Destruction of the Game of this Kingdom, which may happen by appointing several Game-Keepers in the same Manor, with Authority to kill Game therein, Be it further Enacted by the Authority aforesaid, That from and after the First Day of *May*, One thousand seven hundred and eleven, no Lord or Lady of a Manor shall Make, Constitute, or Appoint above One Person to be a Game-Keeper within any One Manor, with Power or Authority to Kill or Destroy the Game thereof; and that the Name of such Person, so to be Authorized to Kill the Game, shall, from time to time, be Entred with the Clerk of the Peace, for the time being, of the County, Riding, or Division wherein such Manor doth lye, such Entry to be made and viewed without Fee or Reward, and a Certificate thereof to be granted by the Clerk of the Peace, upon Payment of One Shilling for the same; and in case any other Game-Keeper, whose Name shall not be so Entred, as aforesaid, who shall not be otherwise Qualified by the Laws of this Kingdom to Kill Game, shall presume to Kill any Hare, Pheasant, Partridge, Moor, Heath Game, or Grouse; or if any Game-Keeper or Game-Keepers, or other Person or Persons whatsoever, not being qualified in his own Right to kill Game, shall Sell, or expose to Sale, any Hare, Pheasant, Partridge, Moor, Heath Game, or Grouse, the respective Offender or Offenders herein, shall, for every Offence, incur such Forfeitures, Pains, and Penalties, as are inflicted by the said recited Act upon Higlars, Carriers, Innkeepers, or Victuallers, for Buying or Selling of Game; such Forfeitures to be recovered by such Means, and in such Manner and Form, and [illegible] such Time, and to such Uses, as are prescribed by the [illegible] any thing

thing in the ſaid recited Act, or in any other Law or Statute, to the contrary thereof in any wiſe notwithſtanding.

And be it further Enacted by the Authority aforeſaid, That if any *Hare*, *Pheaſant*, *Partridge*, *Moor*, *Heath Game*, or *Groufe*, ſhall be found in the Shop, Houſe, or Poſſeſſion of any Perſon or Perſons whatſoever, not qualified in his own Right to kill *Game*, or being entitled thereto under ſome Perſon ſo qualified, the ſame ſhall be adjudged, deemed, and taken to be an expoſing thereof to Sale, within the true Intent and Meaning of this and the ſaid recited Act, any thing in this or in the ſaid recited Act contained, to the contrary thereof in any wiſe notwithſtanding.

And be it further Enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever, ſhall take, kill, or deſtroy any *Hare*, *Pheaſant*, *Partridge*, *Moor*, *Heath-Game*, or *Grouſe*, in the Night-time, the Perſon or Perſons ſo offending, ſhall likewiſe for every ſuch Offence incur ſuch Forfeitures, Pains, and Penalties, as aforeſaid, to be recovered likewiſe by ſuch Means, within ſuch Time, and to ſuch Uſes, as aforeſaid.

And whereas very great Numbers of *Wild Fowl*, of ſeveral Kinds are deſtroyed by the pernicious Practice of driving and taking them with *Hayes*, *Tunnels*, and other *Nets*, in the Fens, Lakes, and Broad Waters, where *Fowl* reſort in the Molting-time, and that at a Seaſon of the Year when the *Fowl* are ſick, and molting their Feathers, and the Fleſh unſavory and unwholſome, to the Prejudice of thoſe that buy them, and to the great Damage and Decay of the Breed of *Wild Fowl*; Be it therefore further Enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever, between the firſt Day of *July*, and the firſt Day of *September*, as they ſhall Yearly happen, ſhall by *Hayes*, *Tunnels*, or other *Nets*, drive and take any *Wild Duck*, *Teal*, *Widgeon*, or any other *Fowl* commonly reputed *Water Fowl*, in any of the Fens, Lakes, Broad Waters, or other Places of Reſort for *Wild Fowl* in the Molting Seaſon, ſuch Perſon or Perſons, who ſhall ſo offend, and thereof ſhall be Convicted before any one or more of her Majeſties Juſtices of the Peace for the County where ſuch Offence ſhall be committed, by the Oath of one or more Credible Witneſſes, ſhall for every *Wild Duck*, *Teal*, or other *Water Fowl* ſo taken, as aforeſaid, forfeit and pay the Sum of Five Shillings, one Moiety thereof to be paid to the Informer, and the other Moiety to the Poor of the Pariſh where ſuch Offence ſhall be committed; the ſame to be levied by Diſtreſs and Sale of the Offenders Goods, by Warrant

under the Hand and Seal of the Justice and Justices of the Peace before whom the Offender shall be convicted, rendring the Overplus, if any be, above the Penalty and Charge of Distress; and for want of Distress the Offender or Offenders shall be committed to the House of Correction for any Time not exceeding One Month, nor less than Fourteen Days, there to be whipt, and kept to hard Labour; and the Justice or Justices of the Peace, before whom such Person or Persons so offending shall be convicted, shall order such *Hayes, Nets*, or *Tunnels*, that were used in driving and taking the said *Wild Fowl*, as aforesaid, to be seized, and immediately Destroyed, in the Presence of such Justice or Justices. [ *Anno Nono Annæ Reginæ* ]

## CHAP. XCVIII.

*An Act to Explain and Amend several Laws therein mentioned, for the better Preservation of the Game.*

WHEREAS by an Act made in the Fifth Year of the Reign of Her late Majesty Queen *Anne*, Intituled, *An Act for the better Preservation of the Game*, it is Enacted, That it shall and may be Lawful for any Lord or Lady of his or her respective Lordship or Manor, by Writing under his or her Hand and Seal, to empower his or her *Game-keeper*, or *Game-keepers*, upon his or her own Lordship or Manor, to kill *Hare, Pheasant, Partridge*, or any other *Game* whatsoever; which Power of appointing several *Game-keepers* in the same Manor with Power to kill *Game*, was found by Experience to tend very much to the Destruction of the *Game* of this Kingdom: For the preventing whereof, by one other Act of the Ninth Year of the Reign of the said late Queen *Anne*, Intituled, *An Act for making the Act of the Fifth Year of her Majesties Reign, for the better Preservation of the* Game, *Perpetual, and for making the same more Effectual*, it was Enacted, That no Lord or Lady of any Manor shall make, constitute, or appoint, above one Person to be a *Game-keeper* within any one Manor, with Power or Authority to kill or destroy the *Game* thereof; and that the Name of such Person so to be authorized to kill the *Game*, shall, from time to time, be entred with the *Clerk of the Peace* of the

the *County*, *Riding*, or *Divifon*, wherein fuch Manor doe lye, which Power of appointing a *Game-keeper* fo to be entred, as aforefaid, was manifeftly deſigned to no other Intent or Purpoſe whatſoever, but that any Lord or Lady might appoint ſuch Perſon as he or ſhe ſhould think proper to kill the *Game* upon his or her own Lordſhip or Manor, for the ſole and proper Uſe of the ſaid Lord or Lady, ſuch *Game-keeper* being expreſly reſtrained by the ſaid firſt recited Act from ſelling or diſpoſing of any *Game* to any Perſon or Perſons whatſoever, without the Conſent or Knowledge of the ſaid Lord or Lady of ſuch Manor or Manors that had given ſuch Power and Authority as aforeſaid: And whereas under Colour and Pretence of the ſaid Power and Authority to kill or take *Game* for the Uſe of the Lords or Ladies of any Manor, it is become uſual and frequent in ſeveral Parts of the Kingdom, for Lords and Ladies of Manors to grant Powers and Deputations to the Farmers, Tenants, and Occupiers of the Lands and Eſtates lying within the Precincts of their reſpective Manors, to be *Game-keepers*, with Power to kill and deſtroy the Game, which Practice is a very great Abuſe of the Powers intended by the ſaid Acts to be granted, and manifeſtly tends very much to the Deſtruction of the *Game* of this Kingdom: For Remedy whereof, be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords *Spiritual and Temporal*, and *Commons* in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Tenth Day of *July*, One thouſand ſeven hundred and ſeventeen, no Lord or Lady of any Manor ſhall make, conſtitute, or appoint any Perſon to be a *Game-keeper*, with Power and Authority to take and kill *Hare*, *Pheaſant*, *Partridge*, or any other Game whatſoever, unleſs ſuch Perſon be qualified by the Laws of this Realm ſo to do, or unleſs ſuch Perſon be truly and properly a Servant to the ſaid Lord or Lady, or ſuch Perſon be immediately employed and appointed to take and kill the *Game* for the ſole Uſe or Benefit of the ſaid Lord or Lady, and not otherwiſe; and that no Lord or Lady of any Manor ſhall authorize or qualifie any Perſon or Perſons whatſoever, not being qualified by the Laws of this Realm ſo to do, to take or kill any *Hare*, *Pheaſant*, *Partridge*, or other Game whatſoever, or to keep or uſe any *Greyhound*, *Setting-Dog*, *Hays*, *Lurchers*, *Guns*, *Tunnels*, or any other Engine, to kill and deſtroy the *Game*; And that any Perſon or Perſons whatſoever, not being qualified by the Laws ſo to do, or not being truly and properly a Servant of any Lord or Lady of a Manor, or not immediately

mediatly employed and appointed to take and kill the *Game* for the ſole Uſe or immediate Benefit of the ſaid Lord or Lady, who, under Colour or Pretence of any Power or Authority, Deputation, or Qualification to him granted by any Lord or Lady of a Manor, ſhall take or kill any *Hare*, *Pheaſant*, *Partridge*, or other Game whatſoever, or ſhall keep or uſe any *Greyhounds*, *Setting-Dogs*, *Hays*, *Lurchers*, *Guns*, *Tunnels*, or any other Engine, to kill and deſtroy the Game, being thereof Legally Convicted, ſhall, for every ſuch Offence, incur ſuch Forfeitures, Pains, and Penalties, as are appointed to be inflicted by the ſaid recited Acts of the Fifth and Ninth Years of the Reign of the late Queen *Anne*; ſuch Forfeitures to be recovered by ſuch Means, and in ſuch Manner and Form, and within ſuch Time, and to ſuch Uſes, as are preſcribed by the ſaid recited Acts; any thing in the ſaid Acts, or in any other Law or Statute to the contrary thereof in any wiſe notwithſtanding.

And be it further Enacted by the Authority aforeſaid, That the ſaid recited Acts of the Fifth and Ninth Years of the Reign of her ſaid late Majeſty Queen *Anne*, and all other Laws now in Force *for the better Preſervation of the* Game, and all Matters, Powers, and Things therein contained, not hereby altered and repealed, ſhall continue, remain, and be in full Force. [ *Anno Regni tertio* Georgii. ]

## CHAP. XCIX.

*An Act for the better Recovery of the Penalties inflicted upon Perſons who deſtroy the Game.*

FOR rendring more Effectual the Laws now in being for the better Preſervation of the Game, Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That whereſoever any Perſon ſhall, for any Offence to be hereafter committed againſt any Law now in being for the better Preſervation of the Game, be liable or ſubject to pay any pecuniary Penalty or Sum of Money, upon Conviction before any Juſtice or Juſtices of the Peace, it

it shall and may be lawful for any other Person whatsoever, either to proceed to recover the said Penalty, by Information and Conviction before a Justice or Justices of the Peace, in such Manner as is in such Law contained, or to sue for the same by Action of Debt, or on the Case, Bill, Plaint, or Information, in any of his Majesties Courts of Record, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance shall be allowed, and wherein the Plaintiff, if he recovers, shall likewise have his Double Costs.

Provided, That all Suits and Actions to be brought by Force of this Act, shall be brought before the End of the next Term after the Offence committed; and that no Offender against any of the Laws now in being for the better *Preservation of the* Game, shall be prosecuted for the same Offence, both by the way prescribed by this Law, and by the way prescribed by any of the said former Laws; and that in case of any Second Prosecution, the person so doubly prosecuted, may plead in his Defence the former Prosecution pending, or the Conviction or Judgment thereupon had. [*Anno Regni octavo* Georgii.]

## CHAP. C.

### *Against Unlawful Gaming.*

AFTER the First of *May*, *Anno Dom.* 1711, all Notes, Bills, Bonds, Judgments, Mortgages, or other Securities that shall be given for Money, or other Valuable Things, shall be Void, if won by Gaming; as playing at *Cards*, *Dice*, *Tables*, *Tennis*, *Bowls*, or any other Games whatsoever; or Money won by Betting whilst they play.

And after the same Date, any Person that shall by Betting or Playing, as aforesaid, lose to any one or more Person or Persons the Sum of Ten Pounds, and shall pay and deliver the same, such Person shall have Liberty, at any Time within Three Months next after, to sue for the same, to be recovered with Costs of Suit.

If any Person shall by Fraud or Shift, or Cozenage, Circumvention, Deceit, or Unlawful Device, or ill Practice whatsoever, in playing at *Cards*, *Dice*, or any Unlawful Games, or by bearing a Share in the Stakes or Wagers, win above the Value of Ten pounds

Pounds at one Sitting, and shall be Convicted thereof by Indictment, shall forfeit Three Times the Value of the Sums so won; and in Case of such ill Practice as aforesaid, such Person or Persons shall be deem'd Infamous, and suffer such Corporal Punishment as in Case of *Perjury*.

Any Two Justices of the Peace may cause such Persons as they know to live by Gaming, having no Estate to maintain them, to appear before them; and may require them to find sufficient Sureties for their Good Behaviour for Twelve Months, and in Default thereof, may commit him or them to Prison, there to remain until he hath found sufficient Sureties as aforesaid: And if such Person shall afterwards win any Value above Twenty Shillings at One Time, then such playing shall be deem'd a Forfeiture of his Recognizance.

And if any Person or Persons shall assault, beat, or shall challenge or provoke to fight any Person or Persons whatsoever, upon the Account of any Money won by Gaming, playing, or Betting, as aforesaid, and Convicted thereof by Indictment, shall forfeit to Her Majesty all his Goods and Chattles, and personal Estate whatsoever, and shall also suffer Imprisonment for Two Years, in the Goal of the County where the Conviction shall be made. [9. Q. Anne.]

## CHAP. CI.

*The Penalty for Maintenance of a House for Unlawful Games.*

BE it Enacted by the Authority of this present Parliament, That no manner of person or persons, of what Degree, Quality or Condition soever he or they be, from the Feast of the Nativity of St. *John* Baptist next coming, by himself, Factor, Deputy, Servant, or other Person, shall for his or their Gain, Lucre or Living keep, have, hold, occupy, exercise or maintain any Common House, Alley or Place of *Bowling*, *Coyting*, *Clash*, *Cayles*, *Half Bowls*, *Thoniſe*, *Dicing Table*, or *Carding*, or any other manner of Game prohibited by any Estature heretofore made, or any Unlawful new Game now invented or made, or any other new Unlawful Game hereafter to be invented, found, had or made, upon

upon pain to forfeit and pay for every Day, keeping, having, or maintaining, or ſuffering any ſuch Game to be had, kept, executed, played or maintained within any ſuch Houſe, Garden, Alley, or other Place, contrary to the Form and Effect of this Eſtatute, Forty Shillings.

And alſo every Perſon, uſing and haunting any of the ſaid Houſes and *Plays*, and there playing, to forfeit for every Time ſo doing, Six Shillings Eight Pence.

And if any perſon hereafter ſue for any *Placard*, to have Common Gaming in his Houſe, contrary to this Eſtatute, that then it ſhall be contained in the ſame *Placard*, what Game ſhall be uſed in the ſame Houſe, and what perſons ſhall play thereat, and every *Placard* granted to the contrary, to be void: And alſo that the Party obtaining any ſuch *Placard* before he put the ſame in Execution, ſhall be bound with ſufficient Sureties with him by Recognizance in the *Chancery* in a certain Sum, to be appointed by the Diſcretion of the *Lord Chancellor of England*, that he ſhall not uſe the ſaid *Placard* contrary to the Form thereof.

Be it further Enacted by the Authority aforeſaid, That it ſhall be lawful to all and every the Juſtices of the Peace in every *Shire*, Mayors, Sherriffs, Bailiffs, and other Head Officers, within every *City*, *Town*, and *Borough* within this Realm, from time to time, as well within Liberties as without, as Need and Caſe ſhall require, to come, enter, and reſort into all and every Houſes, Places and Allies, where ſuch Games ſhall be ſuſpected to be holden, exercized, uſed, or occupied, contrary to the Form of this Eſtatute, and as well the Keepers of the ſame, as alſo the Perſons there haunting, reſorting and playing, to take, arreſt and impriſon, and them ſo taken and arreſted, to keep in *Priſon* unto ſuch Time as the *Keepers* and *Maintainers* of the ſaid *Plays* and *Games*, have found Sureties to the King's Uſe, to be bound by Recognizance or otherwiſe, no longer to uſe, keep, or occupy any ſuch Houſe, Play, Game, Alley, or Place: And alſo that the perſons there ſo found be in like Caſe bound by themſelves, or elſe with Sureties, by the Diſcretion of the Juſtices, Mayors, Sherriff, Bailiffs, or other Head Officers, no more to play, haunt, or exerciſe from thenceforth, in, at, or to any of the ſaid places, or at any of the ſaid Games.

Alſo be it further Enacted by the Authority aforeſaid, That the Mayors, Sherriffs, Bailiffs, Conſtables, and other Head Officers, within every *City*, *Borough*, or *Town*, within this Realm, where

any

any ſuch Officers ſhall fortune to be, as well within the Franchiſes as without, ſhall make due Search weekly, or at the fartheſt at all Times hereafter once every Month, in all Places where any ſuch Houſes, Alleys, Plays or Places ſhall be ſuſpected to be had, kept, and maintained. And if the ſaid Mayors, Sherriffs, Bailiffs, Conſtables, and other Head Officers within their *Cities*, *Boroughs* and *Towns*, as well within Franchiſes as without, do not make due Search at the fartheſt once every Month, if the Caſe ſo require, according to the Tenor of this Act, and do not execute the ſame in all things according to the Purport and Force of the ſame, that then every ſuch Mayor, Sherriffs, Bailiffs, Conſtable, or other Head Officer, to pay and forfeit for every Month not making ſuch Search, nor executing the ſame, [illegible] Shillings.

Be it alſo Enacted by the Authority aforeſaid, That no manner of Artificer, or Crafts-man of any Handy-craft, or Occupation, Huſbandman, Apprentice, Labourer, Servant at Huſbandry, Journeyman or Servant of Artificer, Mariners, Fiſhermen, Watermen, or any Serving-Man, ſhall from the ſaid Feaſt of the Nativity of St. *John* Baptiſt, play at the *Tables*, *Tennis*, *Dice*, *Cards*, *Bowls*, *Clash*, *Coyting*, *Logating*, or any other Unlawful Game, out of *Chriſtmas*, under the pain of Twenty Shillings, to be forfeit for every Time, and in *Chriſtmas* to play at any of the ſaid Games in their Maſters Houſes, or in their Maſters Preſence. And alſo that no manner of perſon ſhall at any time play at any *Bowl* or *Bowls* in open Places out of his Garden or Orchard, under the pain for every Time ſo offending to forfeit Six Shillings Eight Pence. And that all Juſtices of Peace, Mayors, Bailiffs, Sherriffs, and all other Head Officers, and every of them, finding or knowing any manner of perſon or perſons, uſing or exerciſing any Unlawful Games, contrary to this preſent Statute, ſhall have full Power and Authority to commit every ſuch Offender to Ward, there to remain without Bail or Mainprize, until ſuch Time that they ſo offending, be bounden by Obligation to the King's Uſe, in ſuch Sums of Money, as by the Diſcretion of the ſaid Juſtices, Mayors, Bailiffs, or other Head Officers, ſhall be thought reaſonable, that they or any of them ſhall not from henceforth uſe ſuch Unlawful Games.

Be it further Enacted by the Authority aforeſaid, That all other Statutes made for the Reſtraint of Unlawful Games, as touching the Penalties or Forfeitures of the ſame, ſhall be henceforth utterly

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utterly void. And all Informations, Plaints, Actions, or Suits that shall be taken or sued upon any Part of this Statute, shall be commenced within the Year after the Offence committed and done, or otherwise no Advantage or Suit thereof to be taken.

And where any such Forfeitures shall happen to be found within the Precinct of any Franchise, Leet or Law-Day, then the Lord of the same Franchise, Leet, or Law-Day, to have the one Moiety thereof, and the other Moiety thereof to any of the King's Subjects that will sue for the same, in any of the King's Courts, by Action, Information, Bill, or otherwise, in which Action or Suit the Defendant shall not be admitted to wage his Law, nor any Protection nor Essoign shall be allowed: And where such Forfeiture shall be found out of the Precinct of any Franchise, Leet, or Law-Day, that the Moiety of all such Forfeitures shall be to the King our Sovereign Lord, and the other Moiety thereof to any the King's Subjects that will sue for the same, by Bill, Plaint, Action, Information, or otherwise, in any of the King's Courts, in which Suit or Action the Defendant shall not be admitted to wage his Law, nor any Protection or Essoign shall be allowed.

And to the Intent that every Person may have Knowledge of this Act, and avoid the Danger and Penalties of the same, Be it Enacted by the Authority aforesaid, That all Mayors, Bayliffs, Sheriffs, and all other Head Officers, shall Four Times in the Year, that is to say, every Quarter once, make open Proclamation of this present Act, in every Market to be holden within their several Jurisdictions and Authorities.

And also that the Justices of Goal-Delivery, Assizes, and Justices of Peace, do cause the same to be proclaimed in their several Circuits and Sessions before them holden, and that this Statute shall begin to take his Effect, concerning the Penalties of the same, from the said Feast of St. *John* Baptist, now next coming, and to continue and endure for ever.

Provided always, and be it Enacted by the Authority aforesaid, That if any Person or Persons having taken by Lease, whether it be by Word, Writing, or otherwise, any House, Alley, or Place, wherein any such *Unlawful Game* now is, and at the Time of such Lease made, was used, that then every such Lessee shall at the Liberty of him or them, to whom such Lease is made, their Executors, Administrators, or Assigns, from the said Feast of the Nativity of St. *John* Baptist, be utterly void, except it be for Breach of Covenants or Agreements, or Payment of Rent due, or to be

due at the ſaid Feaſt, or any Time before, ſo that then at the ſame Feaſt, or within One Month next after the ſame, the ſaid Leſſee give Knowledge to ſuch Leſſor or Leſſors, their Heirs and Aſſigns, that he will no longer Occupy the ſame, and that then it ſhall be lawful to the Inheritor, Leſſor or Owner thereof, or to his Heirs or Aſſigns, in the ſame Houſe, Alley, or Place to re-enter.

Provided alſo, and be it Enacted by the Authority aforeſaid, That it ſhall be lawful for every Maſter to licence his, or their Servants, to play at *Cards*, *Dice*, or *Tables* with their ſaid Maſter, or with any other Gentleman, repairing to their ſaid Maſter, openly in his or their Houſe, or in his or their Preſence, according to his or their Diſcretion. And that it ſhall be lawful to every ſuch Servant, for every Time ſo being commanded or licenced by his ſaid Maſter, as is aforeſaid, to play at *Cards*, *Dice*, or *Tables* with his ſaid Maſter or other Gentlemen, ſo to him repairing, any thing in this Act to the contrary notwithſtanding.

Provided alſo, and be it Enacted by the Authority aforeſaid, That it ſhall be lawful to every Nobleman, and others, having Manors, Lands, Tenements, or other Yearly Profits, for Term of Life in his own Right, or in his Wife's Right, to the yearly Value of an Hundred Pounds or above, to command, appoint, or licence by his or their Diſcretion, his or their Servants, or Family of his or their Houſe or Houſes, for to play within the Precinct of his or their Houſes, Gardens or Orchards, at *Cards*, *Dice*, *Tables*, *Bowls*, or *Tennis*, as well amongſt themſelves as others repairing to the ſame Houſe or Houſes. And that they ſo playing by Commandment, Appointment or Licence, as is aforeſaid, ſhall not incur any Danger or Penalty contained in this Act for the ſame, this Act or any thing therein contained to the contrary thereof in any wiſe notwithſtanding.

Provided alway, and be it Enacted by the Authority aforeſaid, That all Informations, Actions, and Suits, now depending in any of the King's Courts, for or concerning any Penalty or Forfeiture contained in any of the ſaid Statutes, by this Act repealed, and no Judgment therein yet given, the ſame Informations, Actions and Suits ſhall be, remain, and ſtand as good and effectual in the Law, to all Intents, Conſtructions, and Purpoſes, as if this Act had never been had nor made, any thing in this Act contained to the contrary thereof in any wiſe notwithſtanding. 33 Henrici

## CHAP. CII.

*An Act against Deceitful, Disorderly, and Excessive Gaming.*

IF any Person whatsoever shall by any Fraud, Shift, Covenage, Deceit, or Unlawful Device, or ill Practice whatsoever, in playing at *Cards*, *Dice*, *Tables*, *Tennis*, *Bowls*, *Kittles*, *Shovel-Board*, *Cock-Fightings*, *Horse-Races*, *Dog-Matches*, or *Foot-Races*, or other Pastimes, or Game or Games whatsoever, or in betting a Share in the Stakes, or by Betting, shall win any valuable Thing, or Money, shall forfeit Treble the Value of the Money or Things so won, One Half to the King, and the other Half to the Person grieved, if he prosecutes within Six Months: In Default of such Prosecution, then to the Party that shall prosecute within One Year, who shall recover Treble Costs from the Person offending as aforesaid. *Note*, These Penalties are to be recover'd by Action in any of his Majesties Courts of Record. [ 16. *C.* 2. *C.* 7. ]

## CHAP. CIII.

*County Goals.*

WHereas Vagrants, and other Criminals and Offenders, and Persons charged with small Offences, are for such Offences, or for want of Sureties, to be committed to the *County Goal*, it being adjudged, That by Law, the Justices of the Peace cannot commit them to any other Prison for safe Custody, which, by Experience, hath been found to be very prejudicial and expensive: Be it therefore Enacted, That it shall and may be Lawful to and for the Justices of the Peace, within their respective Jurisdictions, to commit such Vagrants, and other Criminals, Offenders, Person or Persons, either to the *Common Goal* or to the *House of Correction*, as they in their Judgment shall think proper, any Law or Custom, or Usage to the contrary notwithstanding. [ 6. *G.* ]

## CHAP. CIV.

*Who may shoot in Guns, and who not.*

BE it Enacted by this present Parliament, and by the Authority of the same, in Manner and Form following, that is to say, That no Person or Persons, of what Estate or Degree he or they be, except he or they in their own Right, or in the Right of his or their Wives, or to his or their own Use, or any other to the Use of any such Person or Persons, have Lands, Tenements, Fees, Annuities, or Offices to the Yearly Value of One Hundred Pounds, from or after the last Day of *June* next coming, shall shoot in any *Hand-Gun*, or use to keep in his or their Houses, or elsewhere, any *Hand-Gun*, otherwise or in any other Manner than is hereafter in this present Act declared, upon pain to forfeit for every Time that he or they so offend contrary to this Act, Ten Pounds.

And furthermore be it Enacted by the Authority aforesaid, That no Person or Persons, of what Estate or Degree soever he or they be, from or after the said last Day of *June*, shall shoot in, carry, keep, use or have in his House, or elsewhere, any *Hand Gun*, other than such as shall be in the Stock and Gun of the Length of one whole Yard, upon pain to forfeit for every Time that he or they shall shoot in, carry, use, or have any such *Gun*, being not of the Length of one whole Yard, Ten Pounds Sterling. And that it may be Lawful to every Person or Persons which have Lands, Tenements, Fees, Annuities, or Offices to the yearly Value of One Hundred Pounds, as is aforesaid, to seize and take every *Hand-Gun* being in Stock and Gun, shorter in Length than one whole Yard, from the Keeping or Possession of every such Offender contrary to the Form of this Act, and the same *Hand-Guns* to keep and retain to his or their own Use. And also the same *Hand-Guns*, so seized and taken, within Twenty Days next after the same Seizure or taking, to break and destroy upon pain of Ten Pounds, for every *Gun* so seized, and not broken and destroyed, and the same so broken and destroyed, to keep and retain to his or their own Use.

And be it further Enacted by the Authority aforesaid, That no Person or Persons, other than such as have Lands, Tenements, Rents, Fees, Annuities, or Offices to the Yearly Value of One Hundred

dred Pounds, as is aforesaid, from or after the said last Day of *June*, shall carry, or have in his or their Journey, going, or riding in the King's High-ways or elsewhere, any *Gun* charged or furnished with Powder, except it be in Time and Service of War, upon pain to forfeit, for every such Offence Ten Pounds, this present Act, or any thing therein contained to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That no Person or Persons from the said last Day of *June*, shall in any wise shoot in, or with any *Hand Gun* at any thing at large, within any *City*, *Borough* or *Market Town*, nor within one Quarter of a Mile of any *City*, *Borough* or *Market Town*, except it be at a Butt or Bank of Earth in Place convenient, or for the Defence of his Person or House, upon pain to forfeit for every such Shoot Ten Pounds, this present Act, or any thing therein contained to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That no Person or Persons of what Estate or Degree soever he, or they be, shall from or after the said last Day of *June*, command any of his or their Servants to shoot in any *Hand Gun*, of his or their said Masters, or of any other Persons, at any *Deer*, *Fowl*, or other thing, except it be only at a Butt or Bank of Earth, or in the Time of War, as is above said, upon pain to forfeit for every such Offence Ten Pounds. The one Moiety of all which Forfeitures, and Penalties in this present Act above specified, shall be to the King our Sovereign Lord, his Heirs and Successors, and the other Moiety thereof to the Party that will Sue for the same, by Bill, Plaint, Action of Debt, or Information in any of the King's Courts of Record, in which Suit no Essoign, Protection, nor Wager of Law shall be allowed.

And be it further Enacted by the Authority aforesaid, That it shall be lawful to every Person and Persons, which dwelleth and inhabiteth in any House standing and being set distant Two Furlongs from any *City*, *Borough*, or *Town*, to keep and have in his said House, for the only Defence of the same, a *Hand Gun*, being of the Length aforesaid, and not under, and to use and exercise to shoot in the same at any Butt or Bank of Earth near to his House, and not otherwise, any thing contained in this Act to the contrary notwithstanding.

And also be it further Enacted by the Authority aforesaid, That the Statute made in the 25th. Year of the King's most Gracious Reign,

Reign, and all other Statutes heretofore made and provided for the avoiding and reſtraint of ſhooting in *Hand Guns*, or for the uſing and keeping of the ſame, be from henceforth utterly Void and of none Effect.

And be it alſo Enacted by the Authority of this preſent Parliament, That if any Perſon or Perſons from or after the laſt Day of June next coming, ſee, or find any Perſon or Perſons offending, or doing contrary to the Form and Effect of this preſent Act, that then it ſhall be lawful to every ſuch Perſon or Perſons, perceiving, finding or ſeeing any ſuch Perſon or Perſons ſo offending contrary to this Act, to arreſt, and attach every ſuch Offender or Offenders, and to bring or convey the ſame to the next Juſtice of the Peace of the ſame County, where the ſame Offender or Offenders ſhall be found ſo offending. And that the ſame Juſtice of the Peace, upon a due Examination, and Proof thereof before him ſaid or made, by his Diſcretion, ſhall have full Power and Authority to ſend or commit the ſame Offender or Offenders to the next Goal, there to remain till ſuch Time as the ſaid Penalty or Forfeiture ſhall be truly contented and paid, by the ſaid Offender: The one Moiety of the ſame Penalty ſo to be paid to the King's Highneſs, and the other Moiety thereof to the firſt Bringer or Conveyer of the ſaid Offender to the ſame Juſtice of Peace.

And be it further Enacted by the Authority aforeſaid, That it ſhall be lawful to all Juſtices of the Peace in their Seſſions, and to all Stewards and Bailiffs in their ſeveral Leets and Law-days, to inquire, hear, and determine every ſuch Offence, after the ſaid laſt Day of *June*, to be committed and done contrary to the Tenor of this preſent Act. So that always unleſs Fine then Ten Pounds be aſſeſſed upon every ſuch Preſentment and Conviction, made according to the due Courſe of the Law. The ſame Fine ſo by the ſame Juſtices of Peace upon every ſuch Preſentment and Conviction made before them, in their Seſſions, to be paid and levied monly to the King's Uſe. And the one Moiety of every Fine to be aſſeſſed by the Steward or Bailiffs of any Leet or Law-Day, upon every Preſentment or Conviction before them to be made, to be paid and levied to the Uſe of the King our Sovereign Lord, and the other Moiety, the one half to the Owner of the ſaid Leet or Law-Day, by Diſtreſs or Action of Debt, and the other half of the ſame ſecond Moiety of the ſame Fine, to be to the Party that will purſue for the ſame, in any of the King's Courts, by Bill, Plaint, Information, or Action of Debt, in the which none Eſſoign, Protection, nor Wager of Law ſhall be allowed. Pro-

Guns.

Provided alway, and it is further Enacted by the Authority aforesaid, That if any person or persons hereafter in any Part do offend, or do contrary to the Purview and Remedy of this Act, whereupon *Cause of Action* for the same Offence shall be given to the King, his Heirs, or Successors, or to any other person or persons, that will sue by Vertue of this Act, for the Punishment of the said Offence or Forfeits, that if the King our Sovereign Lord, his Heirs or Successors, within One Year next and immediately after such Offences and Forfeits had and made, do not pursue their *Action* or *Actions*, so given by this Act, or cause Examination upon such Defaults and Offences to be had and made, before their Councill, or other Presidents thereof to be had, according to the Meaning of the same Act; And every other person, which hereafter by Vertue of this Act, may have Actions or Actions, Suit, or Information upon this Statute, within Half a Year next and immediately after such Offences or Forfeits had and made, do not commence their Suits, Informations, Actions, or Presentments of, and upon the said Forfeits, by Action, or otherwise, as in this present Act is limited and declared: That then as well the King our Sovereign Lord, his Heirs and Successors, after one Year next after such Offences and Forfeits had and made, if no Suit in his or their Name be taken by Action or otherwise, as is before expressed, before the same Year ended and determined, As every other Person after half a Year next after like Offences and Forfeits had and done in the Form aforesaid, if no Suit thereupon be taken by none of them, in Form above declared, be utterly excluded and debarred of their said Suits, Actions, Informations, and Examinations to them given by Vertue of this said Act: And the Parties and every of them so offending, shall be of all such Offences and Forfeits clearly discharged and quit; any thing in this Act comprised to the contrary notwithstanding. [ *Anno tricesimo tertio* Henrici *octavi. Chap.* 6. ]

No Person whatsoever shall shoot in any *Gun* loaded with *Hail-Shot* (except Lawfully qualified) under the Penalty of Ten Pounds, nor more Pellets than One: But this Act is repealed by the 7th of *W.* 3.

The 1. of King *James*, Chap. 27, concerning shooting Hares, Pidgeons, &c. is expired.

CHAP.

## CHAP. CV.

*Who may make Hats and Caps, and how they shall be made.*

BE it Enacted, That no Maker or Worker of *Hats*, shall take, nor receive any Apprentices, contrary to the true Meaning of this *Act*, that is to say, above Two Apprentices at one Time, nor shall for any less Time than Seven Years at the least, on pain to suffer for every Apprentice to be taken or received against the Form of this *Act*, One Months Imprisonment in the Common Goal, without Bail or Mainprise. And that every taking or receiving of Apprentice, contrary to this *Act*, shall be void: And also such Person so taking or receiving, shall be thereafter disabled to have any more Apprentices, than One at one Time.

*Provided Alway*, That nothing in this *Act* shall extend to charge any Person allowed to be a *Felt-maker* or *Hat-maker*, with any Pain or Forfeiture, for setting or using his or their own Children to the making or working of *Felts* or *Hats*, in his or their own Houses. Provided that this *Act* shall not extend to any making of *Hats* with Worsted-Yarn in the City of *Norwich*. [*Anno octavo Reginæ Elizabethæ*. 6. 11.]

## CHAP. CVI.

*None shall make Felts or Hats but who hath been Apprentice.*

BE it Enacted by the King's most Excellent Majesty, the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, That the Moiety or one half Part of all and every the Forfeitures and penalties hereafter limited and appointed in and by this present *Act*, shall be to our Sovereign Lord the King's Majesty, his Heirs and Successors, and the other Moiety or half part thereof to such person or persons as will Sue for the same, by *Action of Debt*, *Bill*, *Plaint*, or *Information*, to be commenced, or brought, or prosecuted

ſecuted in any Court of Record, wherein no Eſſoign, Protection, or Wager of Law ſhall be admitted or allowed for the Defendant.

And be it further Enacted by the Authority aforeſaid, That no Perſon or Perſons from and after Forty Days ſhall make, or cauſe to be made any *Felt* or *Hat* of, or with any Wool or Stuff whatſoever, unleſs he or they ſhall have firſt ſerved as Apprentices in the aforeſaid Trade or Art of *Felt-making*, during the Space of Seven Years at the leaſt. Neither ſhall they retain and ſet to Work in the ſaid Art, any other Perſons, than Journeymen that have lawfully ſerved in that Art, and Apprentices lawfully bound in the ſaid Trade or Art, nor above the Number of Two Apprentices at one Time, nor thoſe for any leſs Term than Seven Years, upon pain to forfeit Five Pounds for every Month that he ſhall continue offending contrary to the true Meaning of this Act, to be recovered to the Uſes, and in Manner aforeſaid.

And be it further Enacted by the Authority aforeſaid, That no Perſon or Perſons from and after the ſaid Forty Days, ſhall retain or ſet on Work in the ſaid Art of *Hat* or *Felt-making*, any Perſon or Perſons born out of his Majeſties Realms and Dominions of *England*, *Scotland*, and *Ireland*, upon pain to forfeit Five Pounds for every Month, wherein ſuch Perſon or Perſons ſhall ſo offend contrary to the Meaning of this Act, and to be recovered to the Uſes, and in Manner and Form aforeſaid.

Provided always, that nothing in this Act, or in the former Act contained, ſhall extend to charge any Perſon or Perſons, lawfully exerciſing the ſaid Art, with any Pain or Forfeiture, for ſetting or uſing his or their own natural Son or Sons to the making or working of *Hats* or *Felts*, in his or their own Houſe or Houſes, ſo as every ſuch Son or Sons be bound by Indenture of Apprenticehood for the Term of Seven Years at the leaſt, which Term ſhall not be to expire, before he ſhall be of the full Age of Twenty Two Years, any thing aboveſaid to the contrary notwithſtanding. [ *Primo* Jacobi, C. 17. ]

## CHAP. CVII.

### *Who shall be charged towards the mending the Highways.*

FOR amending of *Highways*, being now both very noisome and tedious to travel in, and dangerous to all Passengers and Carriages: Be it Enacted by the Authority of this present Parliament, That the *Constables* and *Church-wardens* of every Parish within this Realm, shall Yearly upon the *Tuesday* or *Wednesday* in *Easter* Week, call together a Number of the Parishioners, and shall then elect and choose Two honest Persons of the Parish, to be *Surveyors* and *Orderers* for one Year, of the Works for Amendment of the *Highways* in their Parish, leading to any *Market-Town*, the which Persons shall have Authority by Vertue hereof, to order and direct the Persons and Carriages that shall be appointed for those Works, by their Discretions, and the said Persons so named shall take upon them the Execution of their said Offices, upon pain every of them making Default, to forfeit Twenty Shillings.

And the said *Constables* and *Church-wardens* shall then also name and appoint Four Days for the mending of the said Ways, before the Feast of the Nativity of St. *John Baptist* then next following; And shall openly in the Church the next *Sunday* after *Easter*, give Knowledge of the same Four Days; and upon the said Days, the Parishioners shall endeavour themselves to the amending the said Ways, and shall be chargeable thereunto as followeth: That is to say, every Person for every Plowland in Tillage or Pasture, that he or she shall Occupy in the same Parish, and every other Person keeping there a Draught or Plow, shall find and send at every Day and Place to be appointed for the amending of the Ways in that Parish, as is aforesaid, one Waine or Cart, furnished after the Custom of the Country, with Oxen, Horses, or other Cattle, and all other necessaries meet to carry Things convenient for that purpose, and also Two able Men with the same, upon pain of every Draught making Default, Ten Shillings: And every Housholder, and also every Cottager and Labourer of that Parish able to Labour, and being no hired Servant by the Year, shall by themselves, or one

one ſufficient Labourer for every of them, upon every of the ſaid Four Days, Work and Travel in the Amendment of the ſaid *Highways*, upon pain of every Perſon making Default, to loſe for every Day Twenty Pence. *alſo p. 145*

And if the Carriages of the Pariſh, or any of them, ſhall not be thought needful by the *Surveyors* to be occupied upon any of the ſaid Days, that then every ſuch Perſon that ſhould have ſent any ſuch Carriage, ſhall ſend to the ſaid Work for every Carriage ſo ſpared, Two able Men, there to labour for that Day, upon pain to loſe for every Man not ſo ſent to the ſaid Work, Twelve-pence. And every Perſon and Carriage aboveſaid, ſhall have and bring with them ſuch Shovels, Spades, Picks, Mattocks, and other Tools and Inſtruments, as they do make their own Ditches and Fences withal, and ſuch as be neceſſary for their ſaid Work. And all the ſaid Perſons and Carriages ſhall do and keep their Work, as they ſhall be appointed by the ſaid *Surveyors*, or One of them, Eight Hours of every of the ſaid Days, unleſs they ſhall be otherwiſe licenced by the ſaid *Surveyors*, or One of them. And be it Enacted by the Authority aforeſaid, That the Steward and Stewards of every Leet or Law-Day, ſhall therein have full Power and Authority to enquire by the Oaths of the Suters, of all and every the Offences that ſhall be committed within the Leet or Law-Day, againſt every Point and Article of this Eſtatute, and to aſſeſs ſuch reaſonable Fines and Amercements for the ſame, as ſhall be thought meet by the ſaid Steward. And in Default of ſuch Inquiry or Preſentment, the Juſtices of Peace for every Place or County ſhall have Authority to enquire of the ſame, the Offences which ſhall be committed within the Limits of their Commiſſion, at every their Quarter Seſſions, and to aſſeſs ſuch Fines therefore, as they or Two of them, whereof one to be of the *Quorum*, ſhall think meet. [13. & 14. *P. & M.* C. 8.]

## CHAP. CVIII.

*The Statute of* 2 & 3 P. & M. C. 8. *touching amending of Highways continued; And the Authorities of Supervisors of Highways enlarged.*

WHERE in the Parliament holden at *Weſtminſter* in the Second and Third Years of the Reign of the late Princes, King *Philip* and Queen *Mary*, amongſt other good Acts then had and made, one neceſſary Statute was provided and eſtabliſhed for the Amendment and Reparation of the *Highways* within this Realm, which Act was made to endure and continue for Seven Years, and after the Expiration of the ſaid Seven Years, to the End of the Parliament then next enſuing, as by the ſame Statute more plainly appeared: Which Seven Years, foraſmuch as they be now expired and ended, and the ſaid Act is very beneficial, and moſt neceſſary to be continued, for the Eaſe and Common Weal of the People of this Land: Be it therefore Enacted by the Queen's excellent Majeſty, the Lords Spiritual and Temporal, and the Commons in this Parliament aſſembled, and by the Authority thereof, That the ſaid Act made in the ſaid Second and Third Years of the Reign of King *Philip* and Queen *Mary*, touching and concerning the Reparation and Amendment of the *Highways*, and every Article and Branch of the ſame, ſhall from henceforth be, ſtand, and continue in full Force, Effect and Strength, for and during the Term of Twenty Years next following, from and after the Beginning of this preſent Parliament, and after the Expiration of the ſaid Twenty Years, to the End of the Parliament then next after the End of the ſaid Twenty Years to be holden and kept.

And foraſmuch as the ſaid Statute made in the Second and Third Years of King *Philip* and Queen *Mary*, in divers Parts of this Realm ſerveth not to ſo good purpoſe and effect as it may be made, for that ſuch Subſtance and Matter, as is moſt fit and convenient for the Reparations of the ſaid Ways, cannot be lawfully had, fetched and taken out of the ſeveral Grounds and Soil thereunto nigh or adjoining

adjoining, being no great Loſs or Detriment to the Owners of the ſame ſeveral Grounds and Soil, whereby the Amendment of the ſaid Ways is ſo little increaſed, or elſe of very ſmall and ſlender continuance, to the great and continual charge and trouble of the Poor People inhabiting thereabouts.

For Reformation whereof, and that the Reparations of the ſaid *Highways* may hereafter in good due manner well and ſufficiently be made: Be it further by the Authority of this preſent Parliament enacted, that from henceforth it ſhall and may be lawful to all and every *Surveyor* and *Surveyors*, and *Orderers* of the Works for the Time being, for the Amendment of the ſaid *Highways* thereunto elected and appointed, according to the Statute made in the Second and Third Years of King *Philip* and Queen *Mary*, for the better Reparation and Amendment of the Ways within their ſeveral Pariſhes and Limits where they ſhall be ſo made *Surveyors* (if it ſhall be ſo to them thought neceſſary) to take or carry away of the Rubbiſh or ſmalleſt broken Stones of any Quarry or Quarries lying and being within the Pariſh where they ſhall be *Surveyors*, without Licence, Controlment or Impeachment of the Owner or Owners, ſo much as by their Diſcretions ſhall be deemed and adjudged neceſſary for the Amendment of the ſaid Ways. And that for Default of any Quarry or Quarries not being within their ſaid Pariſh or Limits, or in Default of Rubbiſh not to be found in any ſuch Quarry or Quarries; it ſhall and may be lawful to every ſuch *Surveyor* or *Surveyors* for the Uſe aforeſaid, in the ſeveral Grounds of any Perſon or Perſons being within the Pariſh and Limits where they ſhall be *Surveyors*, and nigh adjoining to the Way or Ways wherein ſuch Reparations ſhall be thought neceſſary to be made, and wherein Gravel, Sand or Sinder is likely to be found, to dig or cauſe to be digged, for Gravel, Sand or Sinder, and likewiſe to gather Stones lying upon any Lands or Grounds within the Pariſh, and meet to be uſed in ſuch Service and Purpoſe, and thereof to take and carry away ſo much as by the Diſcretion of the ſaid *Surveyors* ſhall be thought neceſſary to be employed in the Amendment of the ſaid *Highways*.

Provided always, That it ſhall not be lawful to any ſuch *Surveyor* or *Surveyors* by vertue of this Act, to cauſe any Rubbiſh to be digged out of any Quarry or Quarries, but only ſhall extend to ſuch Rubbiſh as ſhall be found there ready Digged by the Owner or Owners of the ſaid Quarry or Quarries, or otherwiſe by his or their Licence and Commandment, nor ſhall not extend or give

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Authority to any *Supervisor* or *Supervisors*, to dig or cause to be digged any Gravel, Sand or Sinder in the House, Garden, Orchard or Meadow of any Person or Persons, nor that it shall be lawful by this Act to any such *Supervisor* or *Supervisors*, to cause any more Pits to be digged for Gravel in any several and inclosed Ground, than one only, and that the same Pit or Hole so digged for Gravel as is aforesaid, shall not by any way be in breadth and length above Ten Yards over at most.

And that every such *Supervisor* as shall cause any such Pit to be made and digged, for Gravel, Sand or Sinder as is aforesaid, shall within one Month next after such digging or pit made, cause the same to be filled and stopped up with Earth, at the Costs and Charges of the Parishioners, upon pain to Forfeit to the Owner or Owners of the Soil wherein any such pit shall be digged, for every Default Five Marks, to be recovered by Action of Debt, as in other like Cases of Debt hath been accustomed.

And forasmuch as the *Highways* in sundry Places of this Realm be full of continual Springs and Water-Courses, by continual Increase and Sinking whereof into the Ground, the said Ways are not only very deep and dangerous, but also for the most part impossible to be amended and repaired in any good and sufficient Manner, without some further Remedy provided for the same:

Be it therefore by the Authority aforesaid Enacted, That from henceforth every such *Supervisor* and *Supervisors*, as is aforesaid, shall by Force of this Act, within the Parish or Limits where he or they shall be *Supervisors*, have full Power and Authority to turn any such Water-Course or Spring of Water, being in any of the said *Highways*, into any Ditch or Ditches of the several Ground or Soil of any Person or Persons whatsoever next adjoining to the said Ways, in such Manner and Form, as by the Discretions of the said *Supervisors* shall be thought meetest and most convenient.

And be it further enacted by the Authority aforesaid, that the Heys, Fences, Dikes or Hedges, next adjoining on either side to any high or common fairing way, shall from time to time be diked, scoured, repaired and kept low, and all Trees and Bushes growing in the *Highways*, cut down by the Owner or Owners of the Ground or Soil which shall be inclosed with the said Heys, Fences, Dikes, or Hedges aforesaid, whereby the said Ways may be open, and the People have more ready and easy Passage for the same.

And

And whereas in the ſaid Statute made in the ſaid Second and Third Years of the Reigns of the ſaid King *Philip* and Queen *Mary*, there are but Four Days Yearly appointed for the Reparations and Amendment of the ſaid *Highways*: Be it further Enacted by this preſent Parliament, that from henceforth there ſhall be Yearly Six Days, during the time and force of this Statute, obſerved, uſed and employed, in Reparation or Amendment of the ſaid *Highways*, in like Manner and Form as the ſaid Four Days were limited and appointed to be obſerved and kept, by the ſaid Statute made in the Second and Third Years of King *Philip* and Queen *Mary*.

And be it further Enacted by the Authority aforeſaid, That from henceforth all and every ſuch *Surveyor* or *Surveyors* for the Time being, within One Month next after Default or Offence made, done or committed, by any Perſon or Perſons, contrary to the Proviſion, Purport and true Meaning of the ſaid Statute made in the Second and Third Years of King *Philip* and Queen *Mary*, or contrary to the Proviſion, Purport and true Meaning of this preſent Act, ſhall preſent every ſuch Default or Offence, to the next Juſtice of Peace for the Time being, upon pain to forfeit for every ſuch Default and Offence, in ſuch ſort not by them preſented, Forty Shillings.

And that every ſuch Juſtice of Peace, to whom any ſuch Default or Offence ſhall be preſented, as is aforeſaid, ſhall certifie the ſame Preſentment ſo to him made, at the next General Seſſions within the ſaid County then next after to be holden, upon pain to forfeit for not certifying of every ſuch Preſentment, of every ſuch Default or Offence, as is aforeſaid, Five Pounds.

And that the Juſtices of Peace of every County, where the ſaid Defaults or Offences ſhall be committed, ſhall immediately have Authority to enquire of any ſuch Default or Offence committed within the Limits of their Commiſſion, at every their Quarter Seſſions, and to aſſeſs ſuch Fines for the ſame, as they or Two of them, whereof One to be of the *Quorum*, ſhall think meet.

And be it further Enacted by the Authority aforeſaid, That every Juſtice of Peace ſhall have Authority by this Statute, upon his own proper Knowledge, in the open General Seſſions, to make Preſentment of any *Highway* not well and ſufficiently repaired and amended, or of any other Default or Offence committed and done within the County and Limits of his Commiſſion, contrary to the Proviſion and Intent of this Statute, or the ſaid Statute made

made in the Second and Third Years of King *Philip* and Queen *Mary*.

And that every ſuch Preſentment, made by any ſuch Juſtice of Peace, upon his own Knowledge as is aforeſaid, ſhall be as good and of the ſame force, ſtrength and effect in the Law, as if the ſame had been preſented, found and adjudged by the Oath of Twelve Men. And that for every ſuch Default ſo preſented, as is aforeſaid, the Juſtices of the Peace of the ſaid County ſhall immediately, at the ſaid general Seſſion, have Authority to Aſſeſſe ſuch Fines, as to them, or two of them, whereof the one to be of the *Quorum*, ſhall be thought meet: Saving every Perſon and Perſons that ſhall be touched by any ſuch Preſentment to have his or their lawful Travers to the ſame Preſentment, as they might have upon any Indictment of Treſpaſs, or forcible Entry, by the Laws of this Realm, before the making of this Eſtatute.

And that all ſuch Fines, Forfeitures and Amercements, to be aſſeſſed by the ſaid Juſtices of the Peace at their general Seſſions in any the Caſes aforeſaid, ſhall be eſtrated by the Clerk of the Peace of the ſaid County, and ſhall be levied in ſuch Manner and Form, and imployed in ſuch Uſes and Intents, as in the ſaid Statute made in the Second and Third Years of King *Philip* and Queen *Mary*, is limited and appointed.

This Act is to continue for Twenty Years next after the beginning of this preſent Parliament, and from thence until the end of the preſent Parliament then next after to be holden, 29. *of Eliz. made perpetual*. 18. *Eliz.* 10. 27. *Eliz.* 24. [5 of E. C. 13.]

CHAP.

## CHAP. CIX.

*Who, and for what every Person shall be charged towards the Amending and Maintenance of Highways.*

WHERE in the Parliament holden at *Westminster*, in the Second and Third Years of the Reigns of our late sovereign Lord and Lady King *Philip* and Queen *Mary*, an Act was made and ordained for the amending and repairing of the *Highways*.

And whereas there is one other Act made in the Fifth Year of our Sovereign Lady the Queen that now is, for the better Amendment of *Highways*, wherein some Doubts and Defects have been, For Explanation thereof, and better Provision hereafter to be made for Amendment of *Highways*: Be it explained and enacted by the Queen's Majesty, the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, that every Person or Persons (except such as shall dwell in the City of *London*) that shall be assessed to the payment of any Subsidy to her Majesty to Five Pounds in Goods, or Forty Shillings in Lands, or above, during all such time as he shall stand so assessed and not altered, and being none of the Parties chargeable for the Amendment of *High-ways* by any former Law, but as a Cottager, shall find two able Men Yearly to Labour in the *Highways*, at such Days and Times, as by the said several Statutes are limited and appointed.

And every other that hereafter shall Occupy a Plow-Land in Tillage or Pasture, lying and being in several Parishes shall be chargeable to the making of the Ways within the Parish where he dwelleth, as far forth, and in such Manner and Form as any Person having a Plow-Land in any one Parish is, or ought to be chargeable for or by reason of the said former Statutes or either of them.

And that every Person or Persons occupying and keeping in his or their Hands and Possession several or divers Plow-Lands, as aforesaid, in several or divers Towns, shall be charged to find in

each Town or Pariſh (where the Plough-Lands, being in his Occupying do lye) one Cart, Wain, Tumbrel, Dung-pot, or Court, Sleads, Carres or Draggs, furniſhed for the Amendment and Repairing of the *Highways* within the ſeveral Pariſhes where the ſaid Plough-Lands do lye, in ſuch Manner and Form, as if he or they were a Pariſhioner dwelling within the Pariſhes where the ſaid ſeveral Plough-Lands do lye.

And be it further Enacted by the Authority aforeſaid, That all and every Perſon and Perſons that ſhall not repair, ditch, or ſcower any Hayes, Fences, Ditches, or Hedges adjoining to any *Highway* or common fairing Way, or ſhall not cut down or keep low all Trees and Bushes growing in, or next adjoining to any the ſaid Ways, according to the true Intent and Meaning of the above recited Act, made in the Fifth Year of the Queen's Majeſties Reign that now is, for every Offence committed therein, contrary to the true Intent thereof, ſhall forfeit and loſe for every Default Ten Shillings.

And that all and every Perſon and Perſons, that ſhall occupy any Lands adjoining to the ſaid Ground ſo adjoining to any ſuch *Highway*, or common fairing Way, where any ditching or ſcowring ſhould or ought to be, as aforeſaid, ſhall from Time to Time, as Need ſhall require, ditch and ſcower in his and their Ground ſo adjoining, whereby the Water conveyed from the ſaid *Highway*, or common fairing Way, over the Ground next adjoining, may have Paſſage over the ſaid Ground ſo next adjoining, upon pain of Forfeiture for every Time ſo offending, for every Rod not ſo ditched and ſcowred Twelve-pence.

And for the better keeping of the *Highways* paſſable for her Majeſties People: Be it Enacted by the Authority aforeſaid, that no Perſon or Perſons, having any Ground by Leaſe, or otherwiſe, adjoining to any *Highway*, or common fairing Way, leading to any Market-Town, ſhall caſt or ſcower any Ditch, and throw or lay the Soil thereof into the *Highway*, and ſuffer it to lye there by the Space of ſix Months, to the Annoyance of the ſaid *Highway*, or common fairing Way, upon pain of Forfeiture for every Load of Soil ſo caſt into the *Highway*, or common fairing Way, in ditching or ſcowring, Twelve-pence. And where any heretofore have been ſo caſt into the *Highway* or common fairing Way, that there is a Bank between the ſaid Way and the Ditch, it ſhall be lawful for the *Surveyors* and *Workmen* by the Laws and Statutes of this Realm, appointed for the Amendment of the ſaid Ways,

to

to make Sluices or other Devices by their Discretions to convey the Water out of the said Way into the Ditch; any Law, Right, Interest, Custom, or Usage to the contrary notwithstanding.

And that all and every Penalty, Sum or Sums of Money forfeited for any Cause within this Statute, shall be levied in every Parish by the *Surveyors* of the Ways within that Parish for the Time being by Distress, and Sale of Distress, in Manner and Form as Fines or Amerciaments in Leets have been used; and the Money so levied to be employed upon the *Highway*, or common laying Way, where the Offence was committed.

And if the *Surveyors* shall not or will not levy and employ the same within one Year after the Offence so committed, That then the said Sum or Sums, Forfeiture or Forfeitures, shall be levied in Form aforesaid, by the *Constables* or *Church-wardens* of the Town or Parish where the Work ought to be done in the *Highway*, as aforesaid; and that he or they so levying any of the said Penalties or Forfeitures, shall make and yield such Account appointed in the before recited Statutes, or either of them.

And be it further Enacted by the Authority aforesaid, That all and every Justices of Assize, Justices of *Oyer* and *Terminer*, Justices of the Peace in the Sessions, and Stewards of Leets and Law-Days in their Leets and Law-Days, shall hear and determine all and every Offence, Matter and Cause that shall grow, come or rise by reason of this Statute. [*Anno decimo octavo Reginæ Eliz. Chap.* 10.]

## CHAP. CX.

*An Act for enlarging and repairing of common Highways.*

WHEREAS the former Laws and Statutes for the Mending and Repairing of the common and publick *Highways* of this Realm have not been found so effectual as is desired, by means whereof, and the extraordinary Burthens carried upon Waggons, and other Carriages, divers of the said *Highways* are become very Dangerous, and almost unpassable.

For remedy whereof, be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That the *Church-wardens*, and *Constables*, or *Tything-men* of every Parish, Town, Village or Hamlet, for the time being, within the Kingdom of *England*, Dominion of *Wales*, and Town of *Berwick* upon *Tweed*, shall upon *Monday* or *Tuesday* in the *Easter* Week Yearly (whereof Notice shall be publickly given the *Sunday* foregoing, in the Church immediately after the end of Morning-Prayer,) with the Advice and Consent, of the major Part of the Inhabitants which shall be then present, choose Two or more sufficient and able Persons, residing and inhabiting within their *Parish*, *Town*, *Village* or *Hamlet*, to be *Surveyors* of their *Highways* for the Year next ensuing, and give Notice thereof in Writing to the Persons chosen; and for Default of such choice so to be made, as aforesaid, the *Church-Wardens*, *Constables* or *Tything-men*, and *Inhabitants* of every such Parish, Town, Village or Hamlet, shall forfeit and lose the Sum of Five Pounds.

And be it enacted by the Authority aforesaid, That the said *Surveyors*, or any of them within their several Limits and Jurisdictions, may Yearly as he shall see Cause, and need require, direct and appoint every Person and Persons, who by the former Laws and Statutes of this Realm are chargeable with Wain or Cart, to the amending of the *Highways*; and every other Person and Persons chargeable, to come to labour at the said Ways, to send his or her Cart or Wain and Team so furnished, as by the Laws is directed, or to come and work for the amendment of the *Highways*, for so many Days as by the

the Laws are appointed, or for ſo many of them as the ſaid *Surveyors* ſhall think needful and appoint, for which Teams, Work and Labour, the ſaid *Surveyors* ſhall pay unto ſuch Workmen and Owner for ſuch Teams, Carts and Wains, according to the uſual Rate of the Country, for ſuch Work as they ſhall do over and above what by the other Laws made for the amending the *Highways* they are appointed to do: And if any Queſtion ſhall ariſe about the Value or worth of ſuch Work or Labour, or Man and Teams, ſome Juſtice of the Peace near adjoining, and not living in the ſaid Pariſh, ſhall determine what is fit to be allowed for ſuch work; and in caſe any Perſon ſo charged to ſend his or her Team to work, as aforeſaid, ſhall refuſe or neglect to do ſo, ſuch Perſon ſo refuſing or neglecting, ſhall forfeit Ten Shillings for every Day that he or ſhe ſhall make ſuch Default, and every Labourer Eighteen-pence for ſuch Day that he neglects to work as aforeſaid.

And be it further enacted by the Authority aforeſaid, That where there is not ſufficient Gravel, Chalk, Sand, Cinders or Stones, within any Pariſh, Town Village or Hamlet, to repair their common and publick *Highways*, it ſhall be lawful for the *Surveyor* or *Surveyors*, and ſuch Perſon and Perſons as he or they ſhall appoint, upon the Allowance and Approbation of any Two Juſtices of the Peace within the ſaid County, to dig, take and carry away Gravel, Chalk, Sand, Cinders or Stones, out of the waſte and common of any neighbouring Pariſh, Town Village or Hamlet, or upon the Sea-Coaſt, without paying any thing for the ſame, for repairing and amending of the *Highways* aforeſaid, ſo as they fill up the Place within one Month next enſuing, if required by the Owner of the Soil.

Provided always, and be it further enacted by the Authority aforeſaid, That where there is not ſufficient Gravel, Chalk, Stones, Cinders and Sand, or other Materials for to Repair the *Highways*; within the common or waſt Gounds of any Pariſh, Townſhip or Hamlet, for to amend and repair the *Highways* therein, it ſhall and may be lawful for the ſaid *Surveyor* or *Surveyors*, or ſuch as they ſhall appoint, to enter into the ſeveral Ground (not being an Houſe, Orchard, Garden, Court-Yard, Park with Deer in it, or Meadow, of any Perſon or Perſons within the ſaid Pariſh, Townſhip or Hamlet near adjoining to the *Highways* to be repaired, where any ſuch Materials are or may be found, and to dig, take and carry away from time to time ſuch Quantities thereof as the ſaid *Surveyor* or *Surveyors* ſhall judge neceſſary for the ſaid Reparations, without paying any

thing

thing for the ſaid Materials, (except only where they have formerly been paid for by Cuſtom or Compoſition, and at ſuch Rates as heretofore were paid for the ſame) rendring only ſuch Damages to the Occupier or Owner thereof, as he ſhall ſuſtain by the Digging and Carriage thereof, to be aſſeſſed by two Juſtices of Peace near the ſaid Pariſh, in Caſes of Difference about the ſame: Provided, That the Pits and Holes ſo digged, be filled up in ſuch Manner, and under ſuch Penalties as are preſcribed in the Statute made in the Fifth Year of Queen *Elizabeth*, concerning the amending of *Highways*.

And be it further enacted, That all and every Juſtices of Aſſize, *Oyer* and *Terminer*, and Juſtices of the Peace, ſhall have Power and Authority, and are hereby enabled and impowered to inquire after, hear and determine all Matters concerning charitable Gifts for the making, amending and keeping in Repair any common *Highways*, Pavements, Streets and Cawſeys within the Limits of their Commiſſion, and to make Orders therein for the due Employment of ſuch charitable Gifts, according to the true intent and meaning of the Donors thereof; except Gifts to the aforeſaid Uſes made to any Colledge, Hall, Free-School or Hoſpital, which have Viſitors of their own, and alſo to hear and determine all Offences, Defaults and Defects in *Surveyors* or Others, concerning the Premiſes.

Provided, That if any Perſon be aggrieved with ſuch Order, they ſhall have Liberty to appeal to the *Court of Chancery*, as in Caſes of a Decree made upon the Statute of Charitable Uſes.

Provided alſo, and be it Enacted by the Authority aforeſaid, That where any Lands are lett, the Tenant and Occupier thereof ſhall pay the Aſſeſſment, and bear all Charges for the mending of the Highways, and not the Landlord, except where there is or ſhall be any Agreement between the ſaid Landlord and the Tenant to the contrary. [13. & 14. Car. 2. C. 6.]

*The above is continued by the following Act.*

CHAP.

# CHAP. CXI.

## An Additional Act for the better Repairing Highways and Bridges.

FOR the better Repairing and amending of the Highways, now generally ſpoiled by the extraordinary and unreaſonable Lading of Waggons and other Carriages, and the neglect of repairing and preſerving the ſame, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lord's Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, that all *Conſtables* and *Surveyors* of the Highways, from time to time during their continuance in ſuch their Office or Offices, ſhall cauſe the ſeveral Acts of Parliament heretofore made, and yet in force, for or touching the Repairing, Amending or Enlarging of Highways, not hereby in any part altered or repealed, to be put in Execution within the Limits of their reſpective Pariſhes and Places, and the Penalties thereby impoſed, to be levied and diſpoſed of, as by the ſaid ſeveral Acts is directed: And every *Conſtable* or *Surveyor* of the Highways refuſing or neglecting to put the ſaid Acts in Execution, or wilfully ſuffering any Waggons or Carts to paſs through his reſpective Limits, with any more Horſes or other Cattle, or in any other manner than by this Act is allowed, ſhall upon Complaint thereof made to any Juſtice of the Peace, of the Place and Diviſion where ſuch neglect ſhall be proved to be done, by the Oath of any One credible Witneſs (which Oath ſuch Juſtice is hereby impowered to Adminiſter) or upon view of the Juſtices himſelf be thereof convicted, and ſhall incur ſuch Fine as the ſame Juſtice ſhall think fit to impoſe on ſuch Officer, not exceeding the Sum of Forty Shillings for any one Offence; the ſame Fine to be levied by the *High Conſtable* of ſuch Place or Diviſion, or any other Officer, by Warrant under the Hand and Seal of ſuch Juſtice of the Peace, upon the Goods and Chattles of the Perſon ſo offending (rendring the Overplus to the Owner thereof, all neceſſary charge in levying the ſame being firſt deducted) to be imployed for the Amending of the Highways of the Pariſh and Place where ſuch neglect ſhall be found, as the ſaid Juſtice or Juſtices ſhall appoint for the doing thereof.

Be

Be it further Enacted, That where any Laws have been, or ſhall be given for the Maintenance of Cauſeys, Pavements, Highways and Bridges, all ſuch Perſons that are or ſhall be Enfeoffed or Truſted with any ſuch Lands, ſhall let them to Farm at the moſt improved Yearly Value without Fine; And that the Juſtices of the Peace in their open Seſſions, ſhall and may enquire by ſuch Ways and Means as they think fitting, into the Value of all ſuch Lands ſo given, or to be given, and order the Improvement and Employment of the Rents and Profits thereof, according to the Will and Direction of the Donor of ſuch Lands, if they find that the Perſons ſo intruſted, have been negligent or faulty in the Performance of their Truſt, (except ſuch Lands have been given to the Uſes aforeſaid, to any Colledge or Hall in either of the Univerſities of this Kingdom, which have Viſitors of their own) any Law, Statute, Uſage or Cuſtom to the contrary notwithſtanding.

Provided, That in ſuch Places where the Highways cannot be ſufficiently repaired before the Feaſt of the Nativity of St. *John* Baptiſt Yearly, the ſame may, and ſhall be ſufficiently repaired before the Feaſt of St. *Luke* Yearly, without incurring any Penalty for the not doing thereof before the ſaid Feaſt of the Nativity of St. *John* Baptiſt, according to the ſaid former Act.

And it is further Enacted by the Authority aforeſaid, That in ſuch Places where there is no Uſe of Carts and Teams for the Amendment of Highways, but the Uſage and Practice is to carry Stones, Gravel, Earth, or other Materials for ſuch Amendment, upon the Backs of Horſes, or by any other kinds of Carriages; That in all ſuch Places the Inhabitants uſing any ſuch Horſes or other Carriages, ſhall ſend in ſuch their Horſes as are accuſtomed to that kind of labour, and ſuch their other Carriages, with able Perſons to work with the ſame, in like manner, and under the like Directions, Forfeitures and Penalties, as by any former Statute for Repairing Highways, is appointed for Carts and Teams.

Provided alſo, and it is further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall fail or make Default to make their reſpective Days Labour in every Year for and towards the Repairing the Highays, or neglect to ſend their reſpective Carriages, Horſes and Carts, according as by the Law they are reſpectively required, it ſhall and may be lawful for the *Surveyor* or *Surveyors* of every Pariſh, and they are hereby required to make complaint thereof to the next Juſtices of the Peace, who are hereby authorized and required upon Proof of any ſuch Default or Neglect made

made before them, by the Oath of one credible Witneſs, (which Oath they are hereby impowered to Adminiſter) to levy by Diſtreſs and Sale of the Goods of every Perſon failing or neglecting, as aforeſaid, (and not having a reaſonable Excuſe to be allowed by the ſaid Juſtices) the ſeveral Penalties hereafter mentioned (rendring the Overplus, reaſonable Charges of Diſtraining being firſt deducted) that is to ſay, for every Day-labourer failing or neglecting, as is aforeſaid, One Shilling and Six-pence; and for every Man and Horſe that ſhall make Default, Three Shillings; and for every Cart with Two Men Ten Shillings, for every reſpective Day wherein they ſhall make Default; which reſpective Penalties ſo levied, ſhall be imployed for and towards the repairing of the Highways in every reſpective Place and Parish.

Provided nevertheleſs, and be it enacted, That no ſuch Aſſeſſment or Aſſeſſments to be made in any one Year, ſhall exceed the Rate of Six pence in the Pound, of the Yearly Value of any Lands, Houſes, Tenements and Hereditaments ſo Aſſeſſed, nor the Rate of Six-pence for Twenty Pounds in perſonal Eſtate; and that no ſuch Aſſeſſment be made or levied, from and after the Five and twentieth Day of *March*, in the Year One Thouſand Six Hundred Seventy and Three.

Provided always, and be it enacted by the Authority aforeſaid, that it ſhall and may be lawful for any Six or more Juſtices of Peace of the County of *Monmouth*, whereof Two to be of the *Quorum*, at their general Seſſions of the Peace to be held for that County, at any time hereafter during Ten Years, and no longer, to Impoſe and Levy any Sum or Sums of Money upon the ſaid County, for the Repairing and Amending of *Uſk* and *Boſoleg* Bridges, which are ſcituated upon great Rivers, and lie on publick Roads of that County, ſo as the Sums ſo impoſed as aforeſaid, exceed not in the whole in any one Year, the Sum of Forty Pounds; which Impoſition ſo laid, ſhall be Levied and Accompted for by the ſame Way and Manner as the other Rates raiſed for Bridges, formerly ſettled by Act of Parliament for that County, are made and provided.

[22 of Car. 2. C. 12.]

## CHAP. CXII.

*An Act for the better Repairing and Amending the Highways, and for Settling the Rates of Carriage of Goods.*

WHEREAS the free and eaſie intercourſe and means of Conveying and Carrying Goods and Merchandizes from one Market Town to another, contributes very much to the Advancement of Trade, Increaſe of Wealth, and Raiſing the value of Lands, as well as to the eaſe and convenience of the Subjects in general; for which ends therefore, divers good and neceſſary Laws have been heretofore made for the Enlarging, Repairing and Amending the Highways and Common Roads of this Kingdom: Notwithſtanding which Laws, the ſame are not in many Parts indifferently Amended and Repaired, but remain almoſt Impaſſible; all which is occaſioned not only by reaſon of ſome Ambiguities in the ſaid Laws, but by want of a ſufficient Proviſion to compel the Execution of the ſame.

For Remedy whereof, be it enacted by the King and Queens moſt Excellent Majeſties, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and every Law and Statute now in force, for or touching the Enlarging, Repairing or Amending *Highways* and *Common Roads*, and every Article and Thing in them contained, and not herein and hereby altered and repealed, ſhall be duly put in Execution, according to the Tenour of the ſaid Laws, and under the Penalties therein mentioned, ſhall be Raiſed, Levied and Diſpoſed of, as in and by the ſame Laws is diſpoſed.

And be it further Enacted by the Authority aforeſaid, That from henceforth upon the Six and Twentieth Day of *December* in every Year, unleſs that Day ſhall be *Sunday*, and then on the Seven and Twentieth, the *Conſtables*, *Headboroughs*, *Tythingmen*, *Churchwardens*, *Surveyor* or *Surveyors* of the *Highways*, and Inhabitants in every Pariſh, ſhall aſſemble together, and the major part of them as are ſo aſſembled, ſhall make a Liſt of the Names of a competent Number

Number of the Inhabitants in their Parish, who have an Estate in Lands, Tenements, in their own Right, or their Wives, of the Value of Ten Pounds by the Year, or a personal Estate of the Value of One Hundred Pounds, or are Occupiers or Tenants of Houses, Lands, Tenements or Hereditaments of the Yearly Value of Thirty Pounds, if any such there be: Or if there be no such Persons in the Parish, then the said List to be of the most sufficient Inhabitants of such Parish, and shall return such List unto Two or more of the Justices of the Peace in or near the Division of the County in which their Parish lies, at a special Sessions to be held for that purpose within the said Division, on the third Day of *January* next following, unless it shall happen on *Sunday*, and then on the next Day of the same Month, or within Fifteen Days after; for which purpose the said Justices are hereby Authorized and Required to hold a special Sessions at some place within that Division where the Parish lies, and to give Notice of the time and place where they intend to hold the same, to the *Constables*, *Headboroughs*, *Tythingmen*, *Churchwardens* and *Surveyors* of the *Highways*, of every Parish within the said Division, at least Ten Days before the holding of the said Sessions, and the said Justices shall then and there, out of the said Lists, according to their Discretion, and the Largeness of the Parish, by Warrant under their Hands and Seals, nominate and appoint One, Two, or more, as they shall think fit, and approve of, being of like sufficiency as aforesaid, to be *Surveyor* or *Surveyors*, of the *Highways* of every Parish within the Division, or for any Hamlet, Precinct, Liberty, Tything or Town of and in the same Division for the Year ensuing: which Nomination and Appointment, shall by the *Constables*, *Headborough*, *Tythingmen*, or *Surveyors* of the *Highways* for the time being, or some of them, be notified to the Person or Persons so nominated, chosen and appointed by the said Justices, within six Days after such Nomination, by serving him or them with the said Warrant or Warrants, or by leaving the same, or a true Copy thereof at his or their Houses or usual Places of Abode; and from thenceforth the Person or Persons so nominated and appointed shall be *Surveyor* or *Surveyors* of the *Highways* for the Parish, Town, Village, Hamlet, Precinct or Tything for which he shall have been so nominated, chosen and appointed for the Year ensuing, and shall take upon him and them respectively, and duly execute the said Office according to the Laws and Statutes heretofore made for the enlarging, amending or Repairing of *Highways*, and also this present Act: and if the said Persons so nominated and

ſerved with the ſaid Warrant, ſhall refuſe or neglect ſo to do, he or they ſo refuſing and neglecting, ſhall Forfeit the Sum of Five Pounds to be Levied on his or their Goods and Chattles, by Diſtreſs and Sale of the ſame, by Warrant under the Hand and Seal of Two or more Juſtices of the Peace of the ſame Diviſion, or in default thereof any neighbouring Juſtices of the Peace for the ſaid County, which Warrant the ſaid Juſtices are hereby impowered and required to make upon Information of any one Credible Witneſs upon Oath; the one Moiety of which ſaid Forfeiture ſhall go to him that informs, and the other Moiety for and towards the Repair of the Highways of the ſaid Pariſh, rendring the Overplus, if any be, to the Party or Parties whoſe Goods ſhall be diſtrained, the Charges of the Diſtreſs and Sale being firſt deducted; and in caſe of ſuch neglect or refuſal as aforeſaid, the ſaid Juſtices are hereby impowered to nominate and appoint ſome other fit Perſon or Perſons to perform the ſaid Office; who upon like Notice of ſuch Nomination and Appointment, ſhall take upon him or them, and duly execute the ſaid Office, and if he or they Neglect or Refuſe ſo to do, ſhall Forfeit the like Sum of Five Pounds to be Levied and Diſpoſed of, as aforeſaid; And if the *Conſtables*, *Headboroughs*, *Tythingmen*, *Church-wardens*, *Surveyor* or *Surveyors* of the *Highways*, of any Pariſh, Town, Liberty or Precinct, or ſome of them, ſhall not Return the ſaid Liſt of Names, in ſuch manner, as in this Act is directed, every of them ſo neglecting ſhall Forfeit the Sum of Twenty Shillings, to be Levied in the manner, and imployed to the Uſes aforeſaid.

And be it further Enacted by the Authority aforeſaid, That no Perſon or Perſons whatſoever ſhall lay in any Highway, not being Twenty Foot Broad, any Stone, Timber, Straw or Dung, or other Matter, whereby the ſame ſhall be any ways obſtructed or annoyed, on Pain to Forfeit for every ſuch Offence, the Sum of Five Shillings, to be Levied and Diſpoſed of, as is aforeſaid.

And be it Enacted by the Authority aforeſaid, That if any Timber, Stone, Hay, Straw, Stubble, or other Matter for the making of Dung, or on any other pretence whatſoever, ſhall be laid in any ſuch Highway as aforeſaid, whereby the ſame ſhall be any ways obſtructed or annoyed, the Owners or Poſſeſſors of the Lands next adjoining to the ſame, ſhall clear the ſaid Way, by removing the ſaid Timber, Stone, Hay, Straw, Dung, or other Matter, and have, take and diſpoſe of the ſame to his and their own Uſe; and if any ſuch Owner or Occupier of Lands next adjoyning to the ſaid Highways, ſhall neglect to clear the ſaid Ways of the ſaid Nuſances, or

or to Cleanſe or Scower their Ditches, Gutters and Drains adjoining to the ſaid Highways, or cauſe the Earth taken out thereof to be carried away, and lay ſufficient Trunks, Tunnels or Bridges where any Cart-ways are into the ſaid Grounds, for the ſpace of ten Days after Notice to him, her, or them given by the ſaid *Surveyors*, or any of them, he, ſhe, or they, ſo neglecting, ſhall for every ſuch Offence Forfeit the Sum of Five Shillings, to be Levied and Diſpoſed in manner aforeſaid.

And be it further enacted by the Authority aforeſaid, that no Tree, Buſh or Shrub, ſhall be permitted to ſtand or grow in any Highway not full twenty Foot Broad, but the ſame ſhall be cut down, grubbed up, and carried away by the Owner or Owners of the Land or Soil where the ſame doth or ſhall ſtand or grow, within ten Days after Notice to him or them given by the ſaid *Surveyors*, or any of them, on pain to Forfeit for every Neglect the Sum of Five Shillings, to be levied and diſpoſed as is aforeſaid.

And be it further Enacted by the Authority aforeſaid, That the Poſſeſſors of the Land next adjoining to ſuch *Highways*, where they are not Twenty Foot broad, ſhall from time to time, and at all times, keep their Hedges plaſht, cut, or pruned, ſo as no Tree, Buſh, or Shrub ſhall ſtand or grow in ſuch *Highway*, nor any Bough or Branch be ſuffered to hang over the ſame, or any Part thereof: But the ſaid Hedges ſhall be kept cut and pared right up from the Roots, and not permitted in any Sort to ſpread into or hang over the *Highway*, or any Part thereof, to the End that there may be a free and clear Paſſage for Travellers, and all ſorts of Carriages loaden, without being any ways prejudiced or obſtructed by any Hedges, Trees, Boughs, or Branches whatſoever, and that the Sun may freely ſhine into the ſaid Ways to dry and amend the ſame.

And be it further Enacted by the Authority aforeſaid, That every *Surveyor* of the *Highways*, appointed as in and by this Act is directed, ſhall within Fourteen Days next after his firſt Acceptance of the ſaid Office, and ſo from time to time every Four Months, during his being *Surveyor*, take a View of all the *Roads*, *Common Highways*, *Water-Courſes*, *Bridges*, *Cawſeys*, and *Pavements* within the Pariſh, Town, Village, Hamlet, Precinct, or Tything, for which he is appointed *Surveyor*, that are to be repaired by the ſaid Pariſh, Town, Village, Hamlet, Precinct, or Tything, and ſhall make a Preſentment upon Oath, in what State and Condition he finds the ſame reſpectively, to ſome Juſtice of the Peace of the ſame

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Division, if then resident there, otherwise to some neighbouring Justice of the Peace for the said County, and in Default thereof shall incur the Penalty aforesaid, as if he or they had refused or neglected to accept and execute the said Office, unless he shall have some reasonable Excuse for omitting the same, to be allowed of by Two Justices of the Peace of the same Division of the County, or in Default thereof, by the Two neighbouring Justices; and what Defaults or Annoyances they shall find in any of the said *Highways*, *Causeys*, *Bridges*, *Ditches*, *Hedges*, *Trees*, *Water-Courses*, *Drains* or *Gutters* next adjoining to the same, they shall from time to time, the next *Sunday* immediately after Sermon ended, give publick Notice of the same in the Parish Church, and if the same shall not be removed, repaired and amended within Thirty Days after such Notice given, That then the said *Surveyor* or *Surveyors* of the said *Highways*, shall within Thirty Days remove, repair and amend the same, and dispose of the same Annoyances to, and for the Repair of the said Highways: And the said *Surveyor* and *Surveyors* shall be reimbursed what Charges and Expences they shall be at in so doing, by the Parties who should have done the same: And in Case the said Parties shall upon Demand refuse or neglect to pay the said *Surveyors* their said Charges, then the said *Surveyors* shall apply him or themselves to any Justice of the Peace within the Division of the County wherein such Highway is, and in Default thereof, to any neighbouring Justice for the said County, and upon his or their making Oath before such Justice of the Notice to the Defaulter in manner aforesaid, which Oath the said Justice is impowered and required to administer, that then the said *Surveyors* shall be repaid all such their Charges as shall be allowed to be reasonable by the said Justice, to be levied in manner aforesaid.

And be it further enacted by the Authority aforesaid, That the Justices of the Peace of every County shall in their respective Divisions once in Four Months hold a Special Sessions, and shall thereunto summon all the *Surveyors* of the Highways within that Division to come before them; and shall give them a Charge to do their Duty, and declare to them what they are obliged to do by Vertue of this, or any former Act: After which the said *Surveyors* of the Highways shall make a Presentment to them upon Oath, which Oath the said Justices are hereby impowered to give, of the State and Condition of the Highways within their respective Parishes, Towns, Villages, Hamlets, Precincts or Tythings, for which they are appointed *Surveyors*, and what Offences and Neglects any are guilty

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guilty of, contrary to the Meaning of this or any other Statute made concerning the Highways, or any thing relating thereunto: And before any *Surveyor* of the Highways shall go out of, or be discharged from his Office, he shall at some such Special Sessions of the said Justices, to be held as aforesaid, give an Account upon Oath of all Money that has come to his Hands, which ought to be employed in amending of the Highways, and how he hath disposed of the same; and in case any Moneys shall remain in his Hands, he shall deliver the same to the *Surveyors* of the *Highways* that shall serve for the same Parish, Town, Village, Hamlet, Precinct or Lything, for the Year ensuing, and in case of Failure to Forfeit the double Value of what shall be judged to be in his Hands by the said Justices, to be Levied and disposed of, as is aforesaid.

And be it further enacted by the Authority aforesaid, That if any *Surveyor* of the *Highways*, after his Acceptance of his said Office, shall neglect his Duty in any thing Required of him by this Act, he shall Forfeit for every such Offence the Sum of Forty Shillings, to be Levied and Disposed of, as is aforesaid. [*By the 6th of Queen* Anne, *the above Penalty is made Five Pound.*]

And be it further enacted by the Authority aforesaid, That if any Justice of the Peace shall neglect or refuse to do what is required of him by this Act, such Justice so Neglecting or Refusing shall Forfeit the Sum of Five Pounds, one Moiety shall go the Person that shall Sue for the same, the other Moiety to be employed to and for the Repairing and Amending of the *Highways* of the Parish, where the Person who shall Sue for the same inhabits, to be recovered in any of their Majesties Courts of Record, by Action of Debt, Bill, Plaint, or Information, in which no Priviledge, Protection, or Wager of Law shall be allowed, or more then one Imparlance.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the *Surveyors* of the *Highways* aforesaid, where the Ditches and Drains already made are not sufficient to carry off the Water that lies upon the *Highways*, to make new Ditches and Drains in and through the Lands next adjoining to the said *Highways*, and keep them Scowered, Cleansed and Open, and come upon any of the said Lands with their Workmen for so doing.

And whereas divers Parishes and Townships have not any Gravel-Stones, Quarries, nor any other Materials fitting or convenient for the amending or repairing of the *Highways* within the said Parishes and Townships, by reason whereof the *Surveyors* of the

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Highways of ſuch Pariſhes and Townſhips are forced to lay out their own Money for the buying of ſuch Materials, as are neceſſary for that Purpoſe: And there being no Proviſion made in or by any Law now in Force for the reimburſing the ſaid *Surveyors* the Money they have ſo laid out; For Remedy whereof, be it further Enacted by the Authority aforeſaid, That upon Notice given by the *Surveyor* or *Surveyors* of the *Highways* to the Juſtices of the Peace at their Special Seſſions, and Oath made of what Sum or Sums of Money he or they have or hath ſo laid out and expended upon amending and repairing of the ſaid *Highways*, the Juſtices of the Peace, or any Two of them at their Special Seſſions are hereby impowered by Warrant under their Hands and Seals to cauſe an equal Rate to be made for the reimburſing the ſaid *Surveyor* or *Surveyors*, the Moneys by him or them laid out as aforeſaid, upon all the Inhabitants of ſuch Parish or Townſhips, where ſuch Moneys are ſo expended, according to the Rules and Methods preſcribed in an Act of Parliament made in the Three and Fortieth Year of the Reign of the late Queen *Elizabeth*, Intituled, *An Act for the better Relief of the Poor of this Kingdom*, which Rate being confirmed and allowed by the ſaid Juſtices in their ſpecial Seſſions, ſhall be collected and gathered by the ſaid *Surveyor* or *Surveyors* of the *Highways*; and if any Perſon or Perſons refuſe to pay the Moneys ſo Aſſeſſed on him or them, that then the ſame ſhall be Levied by the ſaid *Surveyors*, by Diſtreſs and Sale of the Goods and Chattles of the Perſons ſo Refuſing, rendring to the Party the Overplus, reaſonable Charges for making the ſaid Diſtreſs firſt to be Deducted.

And whereas in purſuance of the Statute made in the Fifth Year of the Reign of the late Queen *Elizabeth*, many Pariſhes and Places are oftentimes Preſented upon the knowledge and view of a Juſtice of Peace, or otherwiſe, for not Repairing and Amending their *Highways*, and the Fines impoſed and ſet on ſuch Preſentments and other Fines and Iſſues for not Repairing and Amending the *Highways*, are returned into the Court of Exchequer, or other Courts, and ſuch Fines and Iſſues againſt ſuch Pariſhes for not Amending their *Highways*, are Levied on ſome particular Inhabitants of ſuch Pariſhes or Places; and there being no Proviſion made for the making of a Rate to Reimburſe ſuch particular Inhabitants; Be it therefore further Enacted by the Authority aforeſaid, That no Fine, Iſſue, Penalty or Forfeiture ſhall hereafter be Returned into the Court of Exchequer, or other Court, but ſhall be Levied and Paid into

into the Hands of the *Surveyors* of such Parish or Place, to be applyed towards the Repair and Amendment of such *Highways*; and that if any Fine, Penalty or Forfeiture imposed on any Parish or Place, for not repairing the *Highways* shall hereafter be Levied on any one or more of the Inhabitants of such Parish or Place, that then such Inhabitants shall make his or their Complaint to the Justices of the Peace at their Special Sessions, and the said Justices, or any Two of them are hereby Impowered and Authorized by Warrant under their Hands and Seals, to cause a Rate to be made, according to the Form and Manner aforesaid, for the Reimbursing such Inhabitants the Money so Levied on them, as aforesaid, which Rate so made, and confirmed by Two Justices, as aforesaid, shall be Collected and Levied by the *Surveyor* or *Surveyors* of the Highways of such Parish or Place so presented or Indicted as aforesaid, and the said *Surveyor* or *Surveyors* shall within one Month next after the making and confirming the Rate aforesaid, Pay unto the Inhabitants such Money so Levied on him or them, as aforesaid.

And be it enacted by the Authority aforesaid, That the *Surveyors* of the *Highways* shall and are hereby required to make every Carr-way leading to any Market-Town, Eight Foot Wide, at the least, and as near as may be, even and level.

Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful to and for any Inhabitant of any of the Parishes within the Weekly Bills of Mortality, who dwells off from the Pavement, or Uses his Carts as well off as upon the Pavement; and to and for any *Brewer*, and to and for any *Scavinger*, or other Persons imployed in carrying away the Dirt and Soil of the Streets, Lanes and Allies, to make use of any Cart, Carr or Dray with Wheels shod with Iron, and Narrower then Six Inches in the Felleys, and drawn with more then Two Horses; any Act of Parliament, Law or Usage to the contrary in any wise notwithstanding.

And be it further enacted by the Authority aforesaid, That where the Justices of the Peace of any County, City, Borough, or other Place, or the Major part of them at their General or Quarter Sessions, shall be fully Satisfied, that the *Common Highways*, *Causeys*, *Bridges*, *Streets* or *Pavements* within any Parish, Township, Hamlet, or other Place within their respective Jurisdictions, cannot otherwise be sufficiently Amended, Repaired, Paved, Cleansed and Supported by means of the Laws now in Force, without the help of this present Act, in all such Cases, one or more Assessment or Assessments upon all and every Inhabitants, Owners and Occupiers of

Lands, Houses, Tenements and Hereditaments, or any personal Estate, usually Rateable to the Poor within any such Parish, Township, Hamlet, or other Place, shall be Made, Levied, Collected and Allowed by such Person and Persons, and in such manner as the said Justices by their Order at such Sessions shall direct and appoint in that behalf; and the Money thereby Raised, shall be employed and accompted for according to the Orders and Directions of the said Justices, for and towards the Amending, Repairing, Paving, Cleansing and Supporting such Highways, Causeys, Streets, Passages and Bridges, from time to time, as need shall require; and the said Assessment shall be levied by Distress and Sale of the Goods of every Person so Assessed, (not paying the same within Ten Days after Demand) rendring the Overplus of the Value of the Goods so Distrained, to the Owner and Owners thereof (the necessary Charges of taking and selling such Distress being first deducted.)

Provided nevertheless, and be it enacted, that no such Assessment or Assessments to be made as any one Year, shall extend the Rate of Six-pence in the Pound of the Yearly Value of any Lands, Houses, Tenements and Hereditaments so Assessed, nor the Rate of Six-pence for Twenty Pounds in personal Estate.

Provided always, That if any Person or Persons shall find him or themselves Aggrieved with an Assessment or Rate, or other Act by the said Justices of Peace, that then it shall be lawful for the Justices of the Peace at their General Quarter Sessions, or the greater Number of them, to make such Order therein as to them shall be thought convenient, and the same to conclude, and bind all the said Parties.

Provided also, That no Person shall be punished for any Offence against this Act, unless such Offender be prosecuted for the same within Six Months after the Offence committed, and that no Person who shall be punished for any Offence by Virtue of this Act, shall be punished for the same Offence by virtue of any other Act, or Law whatsoever.

And be it further enacted and declared by the Authority aforesaid, That no Horse Cawley, or Cawley for Horses travelling upon or in any publick Highway, be less or under Three Foot in Breadth.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Justices of the Peace of the County of *Middlesex*, at their General Quarter Sessions, to make Rates for the Paving the Town of *Kensington* within the said County (in all such places thereof as they shall think convenient, and to

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Amend, Repair and Cleanse the same) upon Old Streets and Houses, as well as New, in such Manner as is directed by one Act made in the Second Year of their Majesties Reign, for Paving and Cleansing the Streets in the Cities of *London* and *Westminster*.

And be it further Enacted by the Authority aforesaid, That all Matters concerning *Highways*, *Causeys*, *Pavements* and *Bridges* mentioned in this Act, shall be determined in the County where the same do lye, and not elsewhere; And that no Presentment, Indictment, or Orders made by Virtue of this Act shall be removed by *Certiorari* out of the said County into any other Court.

And whereas diverse Waggoners and other Carriers, by Combination amongst themselves, have raised the Prices of Carriage of Goods in many Places to excessive Rates, to the great Injury of Trade; Be it enacted by the Authority aforesaid, That the Justices of the Peace of every County and other Place within the Realm of *England*, or Dominion of *Wales*, shall have Power and Authority, and are hereby injoyned and required at their next respective Quarter or General Sessions after *Easter-day* Yearly, to Assess and Rate the Prices of all Land Carriage of Goods whatsoever, to be brought into any place or places within their respective Limits and Jurisdictions, by any common Waggoner or Carrier, and the Rates and Assessments so made to Certifie to the several Mayors and other Chief Officers of each respective Market-Town within the Limits and Jurisdictions of such Justices of the Peace, to be hung up in some publick Place in every such Market-Town, to which all Persons may resort for their Information; and that no such common Waggoner or Carrier shall take for Carriage of such Goods and Merchandizes above the Rates and Prices so set, upon pain to forfeit for every Offence the Sum of Five pounds, to be Levied by Distress and Sale of his and their Goods, by Warrant of any Two Justices of the Peace where such Waggoner or Carrier shall reside in manner aforesaid, to the use of the party grieved.

And be it further Enacted by the Authority aforesaid, That if any Action or Suit shall be hereafter commenced or prosecuted against any Person or Persons by this Act authorized to put the same in Execution, every Person or Persons so sued may plead the General Issue, and give this Act and the special Matter in Evidence; and if the Plantiff shall become Nonsuit, or forbear further Prosecution, or suffer Discontinuance, or if a Verdict pass against him or her, the said Defendant and Defendants shall Recover his and their

double Costs, for which he and they shall have the like Remedy, as in Cases where Costs by Law are given to Defendants. [3, & 4. *W.* 3.]

## CHAP. CXIII.

### *An Act for the Repair of the Highways.*

IF any Liberty or Village that useth to repair their own Ways, shall have levy'd and employ'd by Rate six-pence in the Pound, and that shall not be sufficient to repair their *Highways*, the Justices of the Peace at their Special Sessions, may order the Parish wherein it lyes to contribute towards repairing of such *Highways*.

Any Person that shall be in the Possession of Wood Land, or of any other Land of Fifty Pounds *per Annum* Value, shall be deemed to have a Plough Land, to all or any of the Purposes within any Statute concerning the *Highways*.

If any Person shall pull up, cut down, or remove any Post, Block, great Stone, or Bank of Earth, or any other Security set up or made for securing of any Horse, Cawseys, or Foot-Ways from Waggons, Wains or Carts, shall upon the Oath of One Credible Witness, made before any One Justice of the Peace of the Division, forfeit Twenty Shillings; one Moiety to the Surveyors of the *Highways*, and the other Moiety to him that shall discover the same, to be levyed by the said Justice's Warrant, by Distress and Sale of the Offenders Goods. [7. & 8. *W.* 3.]

Thomas Hanbury

## CHAP. CXIV.

### *An Act for Enlarging the Highways.*

FOR Enlarging of *Highways*, the Justices of the Peace at their General Sessions, or the major Part of them, being Five at least, may enlarge or widen any *Highways* within their Liberties, so that the Ground taken in doth not exceed Eight Yards in Breadth, but not to pull down any House, nor take away any Ground belonging to any Garden, Orchard or Yard, [illegible] faction to the Owners, the said Justices may Impannel a Jury on Oath, and assess such Damages and Recompence to the Owners, (not exceeding Five and Twenty Years Purchase) as they shall think reasonable; And upon Payment of the said Money, the said Road shall be deemed a publick *Highway*, and the said Justices shall make Assessments on all Persons that ought to repair the same; and if not paid within Ten Days after Demand, the said Justices shall levy the same by Distress and Sale of Goods.

Justices of the Peace at their Special Sessions, may direct their Precepts where Two or more Cross-Ways do meet, requiring them to set up a Stone or Post with Inscriptions thereon, directing to the next Market-Town to which of the said Cross-Ways do lead; which if they shall not do within Three Months after Warning, they shall forfeit Ten Shillings each, to be levyed by one Justice's Warrant, by Distress and Sale of the Offenders Goods. [8. & 9. W. 3.]

If a Surveyor of the *Highways* shall dye in the Time of his Office, the Justices of that Division may appoint another fit Person to serve in his Room. [9. W. 3.]

CHAP.

## CHAP. CXV.

*An Act for making the Laws for Repairing the Highways, more effectual.*

WHEREAS there are ſome Defects in the Laws for the better Repairing the *Highways*, and alſo ſome Neglects in the Execution of the ſame, ſo that they are not effectual to the end for which they were made, be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That all Laws and Statutes now in Force, for or concerning the Repairing the *Common Highways*, and not hereby Altered or Repealed, ſhall be duly put in Execution according to the Tenour of the ſaid Laws.

And be it enacted, that all *Surveyors* of the *Highways* appointed, or that ſhall be appointed by virtue of an Act of the Third and Fourth of King *William* and Queen *Mary*, Intituled, *An Act for the better Repairing and Amending of Highways, and for ſetting the Rates and Carriage of Goods*, ſhall, within Fourteen Days after their Acceptance of their Office, and ſo, from time to time, every Four Months, or oftner, if required thereto by Warrant of any Two or more Juſtices of the Peace, view all *Roads, Common Highways, Bridges, Cauſeways, Pavements, Hedges, Ditches*, and *Water-Courſes*, appertaining to ſuch *Highways*, together with all Nuſances or Incroachments made or committed in or upon any of them, within the Pariſh, Townſhip, Village, Hamlet, Precinct, or Tything where they are *Surveyors*, and give a particular and true Account in Writing upon Oath of the State and Condition of all ſuch Highways, and more eſpecially of ſuch Faults or Defects in any of them, as want to be amended or repaired, and of the Neglects of Labourers, and of thoſe that are obliged to find Labourers or Teams for the Repair of the *Highways*, as required by Law, to the Juſtices at their next ſpecial Seſſions to be holden for the Amendment of the *Highways*, according to the ſaid recited Act, to the End that the ſaid

Accounts

Accounts may be carefully preſerved, and that at all future Seſſions the Juſtices of the ſaid Diviſion may have full Information of, and may be able to examine into the particular State and Condition of all the *Roads*, *Bridges*, *Cawſeways*, *Pavements*, *Hedges*, *Ditches*, and *Water-Courſes*, as aforeſaid, and may the better execute the Powers in the Laws relating to *Highways*; and all *Surveyors* neglecting to give ſuch Account, as aforeſaid, ſhall ſuffer the ſame Penalty as if they refuſed to execute the ſaid Office, to be levyed and diſpoſed of, as by the aforeſaid Act is directed, unleſs they ſhall have ſome reaſonable Excuſe for omitting the ſame, to be allowed by the Juſtices of the Peace of the ſame Diviſion at ſuch their ſpecial Seſſions.

And it is hereby further Enacted and Declared, that the Juſtices of the Peace at ſuch their ſpecial Seſſions, by Writing under their Hands and Seals, may Order and Appoint the Reparation of thoſe great Roads which do moſt want Repair within the Hundred or Diviſion where ſuch Seſſions is held, to be firſt Amended, and at what time or in what manner the ſame ſhall be performed, according to which Order, if ſuch there be, all and ſingular the reſpective *Surveyors* of the ſaid *Highways* are hereby required to proceed within their reſpective Liberties.

And it is hereby further Enacted and Declared, that all *Surveyors* of *Highways* ſhall take the Firſt moſt convenient and ſeaſonable time of the Year, for Repairing and Amending the *Highways* within their reſpective Liberties, and take Care, as far as is poſſible, that the ſaid Work may be perfected before the time of Harveſt; and that they accordingly Summon the Teams and Labourers, by Law obliged to Work at the ſaid Ways, to come in upon ſuch moſt early and ſeaſonable Days as the Year ſhall afford, and to Repair ſuch Ways in Priority as the Juſtices of the Peace at ſuch their ſpecial Seſſions ſhall Direct and Order, in manner as is herein before expreſſed; and in Caſe of no ſuch Order from the ſaid Juſtices, then to Repair ſuch *Highways* as to the ſaid *Surveyors* ſhall ſeem moſt needful of Reparations.

And be it Enacted, That if any Fine, Penalty or Forfeiture ſhall be laid upon any *Surveyor* or other Perſon or Perſons, for not doing his or their Duty for the Amendment of any Highways, and the ſaid Fines, Penalties or Forfeitures ſhall be any ways miſapplied by any Perſon or Perſons whatſoever, or by his or their Order and Direction, upon Proof thereof, upon Oath before the Juſtices at ſuch their ſpecial Seſſions, every Perſon ſo Offending ſhall Forfeit the

Sum

Sum of Five Pounds to ſuch Perſon or Perſons as ſhall give Information thereof to the Juſtices, as aforeſaid, to be Levied by Diſtreſs and Sale of the Offenders Goods, rendering the Overplus to the Owners; and the ſaid Juſtices at their ſpecial Seſſions are hereby Impowered to examine upon Oath all Perſons that can give any Account of any Money that ought to be applied for the Amendment of Highways, and Levy the Penalties, and diſpoſe of the Forfeitures, as aforeſaid.

And whereas it is Enacted, by an Act made in the Third and Fourth of King *William* and Queen *Mary*, That where the Juſtices of the Peace of any County, City, Borough, or other Place, at their General Quarter Seſſions, ſhall be fully ſatisfied, that the *Common Highways, Cawſeways, Bridges, Streets*, or other Places within any Pariſh, Townſhip, Hamlet, or other Place within their reſpective Juriſdictions, cannot be ſufficiently repaired, amended, paved, cleanſed, and ſupported, without the Help of the ſaid Act, That then they may cauſe Aſſeſſments to be made, and the Money raiſed to be diſpoſed of as by that Act is directed; by the General Conſtruction or Execution of which Act is uſually Conſtrued and Underſtood, that no Money can Legally be raiſed by Aſſeſſment towards the repair of any Highways, Cawſeways, or Pariſh-Bridges, till all and every the Teams and Labourers appointed to Work at the ſaid Ways have fully performed their Six Days Duty, as by Law directed.

Be it therefore Enacted by the Authority aforeſaid, That upon Application of the *Surveyor* or *Surveyors* of the Highways for any Pariſh or Townſhip to the Juſtices of the Peace for the County, City, Borough, Riding, or Diviſion of the County wherein ſuch Pariſh or Townſhip lyeth, at their General or Quarter Seſſions of the Peace holden for the ſaid County, City, Borough, Riding, or Diviſion, the ſaid Juſtices, being ſatisfied that the Highways, Cawſeways, and Pariſh Bridges belonging to the ſaid Pariſh or Townſhip, are ſo far out of Order, that they cannot be repaired as they ought to be, without further Power than what the Laws have hitherto directed and appointed, may at their Seſſions, if they ſee fitting, cauſe Aſſeſſments to be made, and Money to be raiſed, not exceeding the Proportions limited by the ſaid Act, in any Pariſh or Pariſhes, Townſhips or Hamlets, as aforeſaid, and the Money to be diſpoſed as by the ſaid Act is directed, for the better repairing of the ſaid Highways, though the Six Days

Work

Work have not been performed; but the raiſing Money by Aſſeſſments not to Excuſe the Work of any Teams or Labourers, by Law appointed to Work at the ſaid Ways.

And it is hereby Enacted and Declared, That the Juſtices of the Peace of all Cities, Corporations, Boroughs, and other Places, are hereby impowered to put in Execution any part of this or any former Act or Acts relating to any *Highways* within their reſpective Juriſdictions.

And whereas divers Broad as well as Narrow *Highways* are much prejudiced and annoyed by watering Lands adjoining or near to the ſame, and by ſtopping up Ditches, and diverting uſual Water-Courſes, or draving Water-Courſes to the Prejudice of the *Highways*, or by neglecting to ſcowr and keep open ſuch Ditches and Water Courſes, or by leaving the Earth of ſuch Ditches ſo ſcowr'd in the Highways, to the Annoyance of them: Be it therefore Enacted by the Authority aforeſaid, That from and after the Twenty Ninth Day of *September*, One thouſand ſeven hundred and ſixteen, if any perſon or perſons, who ought to ſcowr and keep open ſuch Ditches and uſual Water-Courſes adjoining or near to the ſaid *Highways*, and effectually to amend ſuch Water-Courſes, and to remove ſuch other Annoyances to the *Highways*, ſhall, by the Space of Thirty Days after due Notice thereof given by the *Surveyors* of the *Highways*, (which Notice the ſaid *Surveyors* are hereby required to give) neglect or delay to do the ſame, or ſhall leave the Earth of Ditches ſcowred in the *Highways*, for the Space of Eight Days, Oath being thereof made by the ſaid *Surveyors* before the Juſtices of the Peace at ſuch their Special Seſſions for the Hundred, Diviſion, or Place where ſuch Ways do lye, ſuch Perſon ſo offending ſhall, for every Eight Yards of Ditching ſo not ſcowred and kept open, forfeit the Sum of Two Shillings and Sixpence, and for each other Offence aforeſaid any Sum not exceeding Five Pounds, nor under Twenty Shillings, to be levyed by Warrant under the Hands and Seals of the ſaid Juſtices, by Diſtreſs and Sale of the Goods and Chattles of ſuch Perſon ſo offending, rendring the Overplus, if any be, to the Owner: Which Forfeitures ſhall be duly accounted for and applyed by the ſaid *Surveyors* to and for the Amendment of the ſaid *Highways*: And the *Surveyors* of the *Highways* are hereby authorized and required with their Workmen to ſcowr and keep open ſuch Ditches and Water-Courſes, and to remove all Annoyances to all and

every the *Highways*, and (where the Ditches and Drains already made are not ſufficient to carry off the Water that lies upon or Annoys the *Highways*) to make New Ditches and Drains in and through the Lands next adjoyning or near to the *Highways*, and to keep them Scowered, Cleanſed and Open; And the ſaid *Surveyors* are Authorized to come upon the ſaid Lands to make ſuch Ditches or Scowrs the ſame with Workmen, for all and every of the purpoſes aforeſaid.

And be it further Enacted by the Authority aforeſaid, That where the Juſtices of the Peace in any City or *Market Town* (not having already particular Proviſion made for them thereof by any former Law) or the major part of them, at the General or Quarter Seſſions, ſhall judge it neceſſary to appoint *Scavenger* or *Scavengers* for Cleanſing the Streets, the ſaid Juſtices ſhall and may, from time to time, Nominate and Appoint ſuch Perſon or Perſons as they ſhall think fitting for that purpoſe, and alſo to Order the Repairing of ſuch Streets thereof, as they ſhall judge neceſſary; and for Defraying the Charges thereof, an Aſſeſſment or Aſſeſſments, not exceeding Six pence in the Pound in One Year, ſhall and may, from time to time, be equally made upon all and every the Occupiers or Owners of Houſes, Lands, Tenements, and Hereditaments in ſuch Cities, and ſuch Aſſeſſments ſhall and may, from time to time, be made by ſuch Perſon or Perſons, and Levied and Collected in ſuch manner as the ſaid Juſtices by their Order at ſuch Seſſions ſhall Direct and Appoint in that behalf; and the Money thereby Raiſed, ſhall be imployed and accounted for, according to the Orders and Directions of the ſaid Juſtices for and towards the Repairing and Cleanſing the ſaid Streets, from time to time; and the ſaid Aſſeſſments being ſigned under the Hands and Seals of ſuch Juſtices, ſhall and may be Levied, by Warrant under their Hands and Seals, by Diſtreſs and Sale of the Goods and Chattles of ſuch Perſons (not paying the ſame within Eight Days after Demand) rendring the Overplus, if any be, to the Owner, the neceſſary Charges of taking, keeping and ſelling ſuch Diſtreſs being firſt deducted.

And be it further Enacted by the Authority aforeſaid, That if any *Surveyor* of the *Highways* ſhall neglect his Duty in any thing required of him by this Act, he ſhall Forfeit, for every ſuch Offence, the Sum of Forty Shillings, to be Levied and Diſpoſed of, as aforeſaid.

And

And be it further enacted, That no Clerk or Servant to any Juſtice of the Peace ſhall receive any Sum of Money or Fee whatſoever, if any *Surveyor* or *Surveyors* of the *Highways*, for the Oath taken, or Accounts given by them at ſuch their ſpecial Seſſions, as aforeſaid; and if any Perſon or Perſons ſhall receive any ſuch Sum of Money or Fee, he ſhall Forfeit the Sum of Ten Pounds, to be Recovered in any of His Majeſties Courts of Record, as aforeſaid.

Provided always, If any Perſon or Perſons ſhall find him or themſelves agrieved by any thing that ſhall be done in the Execution of this Act (except as to ſuch Perſons who ſhall neglect to Scowr their Ditches, and carry away the Earth taken out of the ſame, or who ſhall not carry away Stone, Timber, Straw or Dung left in the *Highways*, or who ſhall not remove any other Annoyances by Water-Courſes to the ſaid *Highways*) that then it ſhall be Lawful for the Juſtices of the Peace at the next General Quarter Seſſions, or the greater Number of them, to make ſuch Order therein, as to them ſhall be thought convenient, and the ſame to conclude and bind all Perſons.

And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall hereafter be commenced & proſecuted againſt any Perſon or Perſons for putting in Execution the Authority of this Act, every Perſon or Perſons ſo ſued, may Plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence; and if the Plaintiff ſhall become Nonſuit, or forbear further Proſecution, or ſuffer Diſcontinuance, or if a Verdict paſs againſt him, or her, the ſaid Defendant and Defendants ſhall recover his or her double Coſts, for which he or they ſhall have the like Remedy as in Caſes where Coſts by Law are given to Defendants.

Provided alſo, That no Perſon or Perſons ſhall be puniſhed for any Offence againſt this Act, unleſs ſuch Offender be proſecuted for the ſame within Six Months after the ſaid Offence Committed; and that no Perſon who ſhall be puniſhed for any Offence by Virtue of this Act, ſhall be puniſhed for the ſame Offence by Virtue of any other Act, or Law whatſoever.

And be it further Enacted by the Authority aforeſaid, That the Lord-Mayor, and the Juſtices of the Peace for the City of *London*, and the Liberties thereof, for the time being, and the Commiſſioners appointed, purſuant to an Act made in the Twenty Second and Twenty Third Years of the Reign of King *Charles* the Second, Intituled, *An Act for the better Paving and Cleanſing the Streets and Sewers in and about the City of London*, ſhall and may, from time to

time, within the ſaid City of *London*, and Liberties thereof, Uſe and Execute all and every the Powers and Authorities veſted in them reſpectively by the ſaid Act; or any other Act, as if this Act had not been made. [ 1. G. ]

## CHAP. CXVI.

### *Highway-Men.*

BE it Enacted by this preſent Parliament, That every Perſon who ſhall take One or more Highway-Men, and proſecute him or them until they are Convicted, ſhall have from the Sheriff of the County where ſuch Conviction ſhall be, (without paying any Fee) Forty Pounds, within one Month after ſuch Conviction, and Demand thereof made by a Certificate under the Judge's Hand before whom ſuch Conviction ſhall be made.

And if any Diſpute ſhall ariſe between the Perſons that apprehended ſuch Felons, touching their Right to the Reward, the Judge certifying, ſhall by his Certificate direct the Reward to be paid amongſt them as he ſhall think fit.

And if any Sheriff ſhall die, or be removed before the End of the Month, the Reward being unpaid, the ſucceeding Sheriff ſhall, within one Month after Demand made by a Certificate, as aforeſaid, pay the ſame: And the Sheriff, refuſing to pay the ſame as aforeſaid, ſhall forfeit double the Sum which he ought to pay to the Perſons to whom it is due, to be recovered by Action of Debt, Bill, Plaint, or otherwiſe, with Treble Coſts.

And the Sheriff is to be allow'd the ſame out of his Accounts, or if he ſhall not have ſufficient Money in his Hands, he ſhall be paid by the Commiſſioners of the Treaſury, upon a Certificate from the Clerk of the Pipe.

And if any Perſon ſhall happen to be kill'd by ſuch Highway-Man, in endeavouring to take him, his Executers or Adminiſtrators, upon a Certificate under the Hand and Seal of the Judge of Aſſize of the County, or of the Two next Juſtices of the Peace, ſhall receive

ceive the ſaid Sum of Forty Pounds; and in Failure of Payment thereof, ſhall recover double the Sum, with Treble Coſts of Suit.

And Perſons apprehending and convicting ſuch Robbers, (as a further Reward) ſhall have their Horſes, Furniture, Arms, Money, and other Goods taken with them: And their Majeſties Right and Title, Bodies Politick or Corporate, or the Right or Title thereof of any Lord of any Manor, Liberty or Franchiſe, or him or them lending or letting the ſame to Hire to any ſuch Robber or Robbers, in any wiſe notwithſtanding.

Provided, it ſhall not take away the Right of any Perſons from whom the ſame were before Feloniouſly taken.

If any Perſon (being out of Priſon) ſhall commit any Robbery, and ſhall afterwards diſcover Two or more Robbers who have committed any Robbery, ſo as Two or more ſhall be Convicted thereof, ſuch Perſon is hereby Entituled to his Majeſties Pardon, which ſhall be likewiſe a good Bar to any Appeal. [4 and 5 *W. & M.*]

## CHAP. CXVII.

### *Hops.*

ONE Juſtice of the Peace may adminiſter an Oath to every Perſon, who ſhall be impowered to make a Charge on *Hops*, for the due and faithful Execution of his Office; and ſhall give ſuch Officer a Certificate thereof under his Hand. [9. *Ann.* C. 12.]

CHAP.

## CHAP. CXVIII.

*Horſes.*

BE it Enacted, That Forreſts, Commons, or Waſte Grounds, ſhall be driven once a Year, at the Feaſt of St. *Michael* the Archangel, or within Fifteen Days after; or at any other ſeaſonable Time of the Year, as the Lords of Manors ſhall think convenient.

If any Horſe, Gelding or Mare, infected with the Scab or Mange, ſhall be put into any ſuch Forreſt, Commons, or Waſte Grounds, the Owner thereof ſhall forfeit Ten Shillings; which Offence is inquirable and preſentable before the Steward in every Leet as other Annoyances; and the Forfeitures thereof ſhall go to the Lord of the ſame Leet.

Juſtices of Peace in their Seſſions, and Stewards of Courts in their Leet and Law Days, have Power to examine into theſe Offences. [32. *H.* 8. C. 13.]

## CHAP. CXIX.

*In what manner Horſes ſhall be Sold in Fairs or Markets.*

THAT the Owner of every Fair and Market, overt within this Realm, ſhall appoint a certain open Place for the ſelling of Horſes, and ſhall there appoint one ſufficient Perſon, or more, to take Toll, and keep the ſame Place from Ten of the Clock in the Forenoon until Sun Set, and ſhall write in a Book kept for that purpoſe, the Names and Sir-Names of all the Parties that are concerned in buying and ſelling the ſame; together with the Colour and one ſpecial Mark of ſuch Horſe, &c. under the Penalty of Forty Shillings.

Enacted, That the Sale, Gift, Exchange, or putting away of any Horſe, &c. that ſhall be Thieviſhly ſtolen, or Felonioufly taken from

from any Perſon, ſhall not alter, take away, or exchange the Property of any Perſon, to and from any ſuch Horſe, unleſs the ſame Horſe, &c. ſhall be in the Time of the ſaid Fair, or Market, wherein the ſame ſhall be ſo ſold, &c. openly rode, walked, driven, or kept ſtanding, by the Space of one Hour together at leaſt, betwixt Ten in the Morning and Sun Set, in the open Place aforeſaid, and not in any Houſe, Yard or Backſide, or other privy or ſecret Place, unleſs all the Parties to the Bargain then preſent ſhall come together, and bring ſuch Horſe, &c. to the ſaid open Place appointed for the Toll-Book Keeper (where no Toll is due) and ſhall there enter their Names and Dwelling-Places, with the Colour and one ſpecial Mark of ſuch Horſe, &c. paying One Penny therefore.

If any Horſe, &c. that ſhall be thieviſhly Stolen, or taken away, ſhall be Sold, Given, Exchanged or put away in any ſuch Fair or Market, and not uſed in all Points according to this Act, then the Owner of every ſuch Horſe, &c. may by the Peace of this Statute, ſeize or take again the ſaid Horſe, &c. or have an Action of Detinue or Replevin for the ſame, notwithſtanding any Sale, Gift, Exchange, or putting away the ſame.

Juſtices of the Peace of every Place and County, ſhall have Authority in their Seſſions within the Limits of their Authority and Commiſſion to hear, enquire and determine Offences againſt this Statute. [2 & 3. *P. & M.* C. 7.]

## CHAP. CXX.

*Sellers of Horſes in Fairs or Markets, muſt be known to the Toll-Takers, or ſome other, who will avouch the Sale, which ſhall be entered in the Toll-Book.*

THE Toll-Keeper muſt know the Seller of any Horſe, &c. Sold, Given or Exchanged, or put away in any Fair or Market, or a ſufficient Credible Perſon to Avouch for him; every Perſon that ſhall make a falſe Teſtimony or Avouchment in the behalf aforeſaid, and every Toll-Book-Keeper that ſhall offend in anything contained in this Act, ſhall Forfeit Five Pounds for every Offence.

Offence, one Half to the Queens Majeſty, and the other half to him that will ſue for the ſame, before the Juſtice of the Peace, or in any of her Majeſties Courts of Record.

Juſtices of the Peace in their Seſſions ſhall have Power to hear, inquire and determine all Offences againſt this Statute.

And it is further enacted, that if any Horſe, *&c.* ſhall be ſtolen, and after ſhall be Sold in open Fair or Market, according to the Directions of this Act; yet nevertheleſs, the Sale of any ſuch Horſe, *&c.* within Six Months next after the Felony done, ſhall not take away the Property of the Owner from whom the ſame was ſtolen, ſo as the Claim be made within Six Months after, by the Party from whom it was ſtolen, or his Executors or Adminiſtrators, where the ſaid Horſe, *&c.* ſhall be found before the Mayor, or Head Officer of ſuch Town or Pariſh, if it ſhall be found in any Town-Corporate or Market-Town, or elſe before ſome Juſtice of the Peace of that County near to the Place where the ſaid Horſe, *&c.* ſhall be found, ſo as the Owner thereof do within Forty Days then next enſuing, prove by two ſufficient Witneſſes before ſuch Head Officer or Juſtice of the Peace, his Property in the ſaid Horſe, *&c.* and was ſtolen from him within the Space of Six Months next before ſuch Claim, that then the Owner, or his Executors, Adminiſtrators, may, notwithſtanding ſuch Sale in any Fair or Market, as aforeſaid, have Property and Power to have, take again or enjoy the ſaid Horſe, *&c.* upon Payment or Readineſs, or offer to pay to the Party that ſhall have the Poſſeſſion of the ſaid Horſe, *&c.* if he will receive and accept of it, ſo much Money, as the ſame Party ſhall depoſe and ſwear before ſuch Head Officer or Juſtice of Peace, that he *bona fide*, paid for the ſame without Fraud or Colluſion, and that not only all Acceſſaries before ſuch Felony done, but all Acceſſaries after ſuch Felony, ſhall be depriv'd of the Benefit of Clergy, as the principal ought to be. [31 *E. C.* 12.

CHAP.

## CHAP. CXII.

### *Houses of Correction.*

WHEREAS divers good and necessary Laws and Statutes have been made and provided for Erecting of *Houses of Correction*, for the suppressing and punishing of Rogues, Vagabonds, and other idle, vagrant and disorderly Persons, which have not wrought to good Effect as was expected, for that the said Houses have not been built according as was intended, and also the Statutes have not been duly executed.

For Remedy whereof, it is Enacted, That all Laws now in Force made for erecting and building of *Houses of Correction*, and for punishing of Rogues, Vagabonds, and other wandring and idle Persons, shall be put in Execution.

Be it also Enacted, That there shall be built or provided in every County in *England* and *Wales*, one or more fit and convenient *House* or *Houses of Correction*, together with Mills, Turns, Cards, and such like necessary Implements, to set the said Rogues, or such other idle Persons, on Work, in some convenient Place in every County: Which said Houses shall be purchas'd, convey'd or assur'd to such Person or Persons as the Justices of the Peace at the Quarter Sessions, or major Part of them, shall think fit, to the Intent the same shall be us'd and employ'd for Keeping, Correcting, and Setting to Work of the said Rogues, Vagabonds, or sturdy Beggars, and other idle and disorderly Persons.

Children born in Goal's or Bridewells, their Parents being Prisoners and Strangers, must be maintained at the Charge of the County. [ 7. *Jac. C.* 4. ]

*See more of* Houses of Correction *under* County Goals.

## CHAP. [illegible]

Houses.

ENACTED, That after the 25th Day of *March*, [illegible] there shall be charged and paid to his Majesty, and his Heirs and Successors, upon every Dwelling-House inhabited, or which shall be erected within this Kingdom, the Yearly Sum of Two Shillings, and for every such Dwelling-House inhabited, having Ten Windows or more, and under Twenty, the Sum of Four Shillings Yearly, over and above the said Sum of Two Shillings, and for every such Dwelling-House inhabited, having Twenty Windows or more, the Sum of Eight Shillings, over and above the said Sum of Two Shillings, which shall be Paid half Yearly, on the 29th of *September*, and the 25th Day of *March*, by even and equal Portions.

The Payments hereby granted, shall be charged only upon the Inhabitants or Occupiers of the said Houses for the Time being, the Executors or Administrators, and not on the Landlord who lets the same, or his Heirs, Executors, Administrators or Assigns.

Assessors to make their Assessment without Concealment, Love, Favour, Drink or Malice, and return the same to the Commissioners, under the Penalty of any Sum not exceeding Five Pounds, to be levied as by this Act is appointed. And every Assessor shall (before he takes upon him the Execution of his Office) take the Oaths required to be taken instead of the Oaths of *Allegiance and Supremacy*, to be administred by any Two or more Commissioners. The Assessments to be returned to the Commissioners, or any Two of them, before the Fourth Day of *June*, who are to sign the Warrants to collect the same, of which the Collectors are to make Demand of the Parties charged therewith, or at the Place of their last Abode, within Ten Days after the Sums shall become due.

And the said Collectors shall pay all Money they shall receive, within Twenty Days after the Receipt thereof, at such Place as the Commissioners shall appoint. And in Default of such Payment, Two or more of the Commissioners may, by a Warrant under their Hands and Seals, levy by Distress and Sale of the Goods of the said

said Collection, such Sums of Money as they have received, and are not paid according to the Order of the said Commissioners.

Upon the Return of such Assessments, Three or more Commissioners may summon any Person that is not fully rated or charged, and upon the Person's Default of appearing according to such Summons, he shall pay double the Sum which he ought to be charged with. And the said Commissioners shall have Power to set such Rates on such Persons as shall be according to the true Intent and Meaning of this Act.

*Receiver General* shall have Two-pence in the Pound.

*Collector* Three-pence.

*Commissioners Clerk* One Penny.

If any Person shall refuse to pay the Sum of Money charged on him by this Act, within Ten Days after Demand made by the Collectors, it shall and may be lawful for such Collectors to distrain the Goods and Chattles of such Persons, and the Distress [illegible] to keep Four Days at the Costs and Charges of the Owner thereof, and then if not paid, the said Distress is to be appraised by two or more of the Inhabitants where taken, and then to be sold by the said Collectors, returning the Overplus, Charges for taking and keeping the said Distress, being first deducted.

And if any Resistance shall be made in levying the said Distress, then by Warrant from Three Commissioners, the Collectors (with the Constable of the Parish to his Assistance) may in the Day time break open any House where no Distress can be found, and the Person charg'd shall refuse to pay the same within twenty Days after Demand, two Justices of the Peace, by their Warrant under their Hands and Seals, may Commit such Person to Goal, there to remain until Payment shall be made.

If any Persons shall find himself agrieved, and do within Ten Days after Demand thereof, complain to the Commissioners that set the Rate; any Three or more of the said Commissioners may within Ten Days after such Complaint, examine the Complainant on his Oath, and may abate or encrease the said Rate.

Justices of the Peace, are Commissioners for the Six last Years of the Payments graanted by this Act.

Collectors shall within Ten Days after the Expiration of every Year, bring New Assessments for the succeeding Year, to the Justices of the Peace, or any two of them, and may examine the same, and may summon any Person that they shall think under-charg'd to appear before them, and upon his Default of Appearance, shall

pay double the Sum which he ought to be charg'd; and during the laſt ſix Years granted by this Act, any Perſon or Perſons that ſhall complain to two Juſtices of the Peace that ſign'd the Rate, within Ten Days after Demand thereof, the Juſtices that ſign'd and allow'd the ſaid Rate, or any two of them, with two other Juſtices at the Quarter-Seſſions, after ſuch Complaint, to examine the Complainants on his or their Oaths, and upon due Examination thereof, to abate or encreaſe the Aſſeſſments, and the ſame to be certify'd to the Collectors, and all Appeals once heard and determin'd by Virtue of this Act, ſhall be final without any further Appeal or Pretence whatſoever.

If Perſons charg'd by this Act, ſhall be under the Age of One and Twenty Years, their Parents or Guardians, and Tutors ſhall be chargeable with the Payments, as any other Perſons are, which they are to be allowed out of their Accounts.

The Commiſſioners may Impriſon any Collector, that ſhall keep ſuch Money as he hath Collected by this Act, and ſeize his Eſtate, both Real and Perſonal, which ſhall be in his Poſſeſſion, or of his Heirs, Executors or Adminiſtrators, and the Commiſſioners who ſhall ſeize the ſame, ſhall appoint a Day of Meeting, and if the Money ſhall not be then paid, the ſaid Commiſſioners may Sell and diſpoſe of ſuch Eſtates, and order the Money due, to be paid to the Receiver General; in Caſe of Extraparochial Places, the Commiſſioners may name fit Perſons to be Aſſeſſors and Collectors of the Duties that dwell near the ſame.

Commiſſioners are to Rate each other, and the Aſſeſſors, They may Levy any Sum not exceeding Twenty Pounds, on any Aſſeſſor or Collector that ſhall neglect his Duty in the Execution of their Office. And in Caſe of any Controverſy ariſing between the Commiſſioners, concerning the Rates and Aſſeſſments, the Commiſſioners that are concern'd, ſhall withdraw, and ſhall have no Voice therein.

And all Queſtions and Differences that ſhall ariſe touching any of the ſaid Rates, ſhall be heard and finally determined by Three or more Commiſſioners upon Complaint thereof to them made, by any Perſon or Perſons thereby griev'd, without further Trouble, or Suit in Law.

Receiver General may return ſuch Collectors, as ſhall make default of Payment to him into the Exchequer.

All Conſtables, Tything-men, Headbouroughs, and others of his Majeſties Officers, are hereby enjoin'd and required, to be aiding and aſſiſting in the Execution of this Act, and obey and execute all

Precepts or Warrants, as ſhall be to them directed in that behalf, by three or more of the Commiſſioners. Collectors ſhall not be oblig'd to Travel above Ten Miles, for the Payment of any Sums of Money.

If the Receiver-General ſhall return any Perſon into the Exchequer for Money that he hath received, then he ſhall Forfeit to ſuch Perſons as ſhall be damaged thereby, double the Damages that ſuch Perſon ſhall receive; and alſo to His Majeſty, double the Sum ſet *in ſuper*, to be Recover'd by Action of Debt. All Penalties and Forfeitures by this Act, for which there is no particular way of Levying herein appointed, ſhall be levy'd by two or more of the Commiſſioners of the Diviſion by Diſtreſs and Sale of the Offenders Goods, returning the Overplus, reaſonable Charges for diſtraining, being firſt deducted.

Every Collector that ſhall refuſe to deliver a Duplicate of the Aſſeſſment, by which he Collected the ſaid Duties, together with the Names of the Collectors for the Year enſuing, ſhall Forfeit Twenty Pounds to his Majeſty, to be levy'd as before directed.

And ſuch Dwelling Houſes only where the Occupier thereof, by reaſon of Poverty, or Smallneſs of Eſtate, is exempted from contributing to the Payments of the Church and Poor, ſhall be excepted out of this Act, and diſcharged as Cottages. [7 & 8 *W.* 3.]

## CHAP. CXXIII.

### *Houſes inhabited by Two or more Families.*

BE it enacted and declar'd, That where any Houſe ſhall be inhabited by Two or more Families, ſuch Houſe ſhall be nevertheleſs ſubject to, and ſhall in like manner pay the Rates and Duties charged on Houſes by any Act, as if ſuch Houſe was inhabited by One Family only. And that every Houſe whereof the keeping only is committed or left to the Care or Charge of any Perſon or Servant, who doth not pay to the Church and Poor, ſhall be ſubject to the like Rates and Duties for the Windows therein, as if it were inhabited by the Occupier, or by a Tenant, and to be paid by the reſpective Occupiers or Tenants of the ſame. [8. & 9. *W.* 3. *C.* 19.]

CHAP.

## CHAP. CXXIV.

### *Duties on Houſes according to the Number of Windows.*

BE it Enacted by the Authority of this preſent Parliament, that during the Term of Thirty Two Years, commencing from the 29th of *September*, *Anno Dom.* 1710, and no longer, there ſhall be charged and paid to her Majeſty, her Heirs and Succeſſors, for and upon every Dwelling-Houſe inhabited, that now is, or hereafter ſhall be erected or built, within the Kingdom of *Great Britain*, having Twenty Windows or more, the New Duties herein after mention'd, (that is to ſay) for every ſuch Dwelling-Houſe having Twenty Windows or more, and under the Number of Thirty Windows, the Yearly Sum of Ten Shillings; and for every ſuch Dwelling-Houſe having Thirty Windows or more, the Yearly Sum of Twenty Shillings; which ſeveral and reſpective Duties on ſuch Houſes within *England*, *Wales*, and Town of *Berwick upon Tweed*, ſhall be charg'd and payable over and above, and by Way of Addition to the ſeveral Duties amounting to Ten Shillings *per Annum*, chargeable on Houſes there, by Vertue of former Act or Acts of Parliament in that Behalf made: Which ſaid Duties are to be paid half Yearly, on the 25th of *March*, and 29th of *September* Yearly, to be charged only upon the Inhabitants or Occupiers of ſuch Houſes for the time being, his or their Executors or Adminiſtrators reſpectively, and not on the Landlord who let the ſame, or his Heirs, Executors or Adminiſtrators.

And for the better levying the Sums of Money hereby impoſed upon ſuch Houſes as aforeſaid, Juſtices of Peace within their ſeveral Counties, Ridings, Cities or Liberties, throughout this Kingdom, are hereby appointed Commiſſioners, and ſo many of them as in any Caſe or Caſes are by any Law or Statute now in Force impowered to act in relation to the Duties on Houſes, are hereby impowered in like Caſe or Caſes, from time to time, to put this Act in Execution, during the Term herein granted; and that the ſeveral Duties impoſed by this Act, ſhall be raiſed, levied, Collected and paid unto Her Majeſties Exchequer, in ſuch and the like Manner and Form, and with ſuch Allowances, and under ſuch Penalties and

Forfeitures, and according to ſuch Rules, Methods and Directions, as are preſcribed and appointed by any Law or Statute now in Force, for raiſing the Duties on Houſes within this Kingdom.

And alſo, that the Act made in the Seventh Year of *William* the 3d. and the Eighth of *William* the 3d. and the 1ſt of *Ann*, and the 5th and 7th of *Ann*, made for raiſing of the ſeveral Duties on Houſes, and all Arrearages thereof, ſhall be in full Force during the Term hereby granted. [ 8. *A.* ].

*Duties on Houſes mention'd in the* 7. *of* A. C. 7. *continued for ever, but redeemable by Parliament. The Additional Duties on Houſes by the* 8th *of* A. *C.* 4. *made perpetual, but ſubject to Redemption as aforeſaid.* [ 5. G. C. 3. ]

## CHAP. CXXV.

### *Collectors for the Duties on Houſes.*

WHEREAS it is found by Experience, that in ſome Places, the Collectors of the Duties on Houſes, do Name inſolvent Perſons to ſucceed them, who run away, and leave a Debt on the Pariſh or Place for which they are appointed, which being anſwerable for the Collectors, is often vexed with Proceſs, without having any Power (as the Law now ſtands) to raiſe the Arrears ſo incurred by Re-aſſeſſment: For Remedy whereof, be it enacted by the Authority of this Parliament, that from and after the Firſt Day of *Auguſt*, *Anno Dom.* 1720. the Juſtices of the Peace, who are Commiſſioners, or any Three or more of them, ſhall and may, within their reſpective Limits, appoint two ſuch able and reſponſable Perſon as they ſhall think fit, to be Collectors within the ſaid Pariſhes or Places, or any of them, of the ſaid Duties on Houſes from time to time, (whether their Names be, or be not preſented by the preceding Collectors) and in Caſe there ſhall be any Arrear of the ſaid Duties on Houſes, by Reaſon of the Failure of any ſuch Collector or Collectors, for which any Pariſh or Place ſhall be anſwerable; it ſhall and may be Lawful to, and for any Three or more Juſtices of the Peace, being Commiſſioners for the ſaid Duties on Houſes,

Houſes, to Cauſe ſuch Arreats to be Re-aſſeſſed within the ſame Pariſh or Place, on all ſuch Houſes as are liable to the Payment of the ſaid Duties on Houſes, and to Cauſe the ſame to be raiſed, and for default of Payment, to be levied by ſuch Ways and Means, as the Duties on Houſes are to be Rais'd, Levy'd and Pay'd, as by the ſeveral Acts of Parliament in that behalf do direct. [6. G. C. 21.]

## CHAP. CXXVI.

### *House-Breakers.*

FOraſmuch as divers and ill diſpoſed Perſons, are encouraged to commit Robberies upon Mens Perſons, and in their Houſes, and other Offenders, by the Priviledge (as the Law now is) of demanding of the Benefit of their Clergy: Be it therefore Enacted by this preſent Parliament, That all and every Perſon or Perſons that ſhall at any time from and after the Firſt Day of *March, Anno Dom.* 1691, Rob any other Perſon, or ſhall Feloniouſly take away any Goods or Chattles, being in any Dwelling-Houſe, the Owner or any other Perſon being therein, and put in Fear, or ſhall rob any Dwelling-Houſe in the Day Time, any Perſon being therein, or ſhall comfort, aid, abet, aſſiſt, counſel, hire or command any Perſon or Perſons to commit any ſuch Offences, or to break any Dwelling-Houſe, Shop or Warehouſe, thereunto belonging, or therewith uſed, in the Day Time, and Feloniouſly take away any Money, Goods or Chattles, of the Value of Five Shillings or upwards, therein being, although no Perſon ſhall be within ſuch Dwelling-Houſe, Shop, or Warehouſe, or ſhall counſel, hire, or command any Perſon to commit any Burglary, being thereof convicted or attainted, or being Indicted thereof, ſhall ſtand Mute, or ſhall not directly anſwer to the Indictment, or ſhall peremptorily Challenge above the Number of Twenty Perſons return'd to be of the Jury, ſhall not have the Benefit of his or their Clergy.

And

And forasmuch as Thieves and Robbers are much encouraged to continue such Offences, because a great Number of Persons make it their Trade and Business to deal in Buying of Stolen Goods: Be it therefore Enacted by the Authority aforesaid, that if any Person or Persons shall Buy or receive any Goods or Chattels that shall be Feloniously taken or stolen from any other Person (knowing the same to be stolen) he or they shall be taken and deemed as Accessary or Accessaries to such Felony after the Fact, and shall incur the same Punishment as an Accessary or Accessaries to the Felony after the Felony committed.

And whereas it is a frequent Practice for idle and disorderly Persons to hire Lodgings, with an Intent to take away, imbezzel, or purloin the Goods and Furniture in such Lodgings: Be it therefore Enacted, that if any Person or Persons shall take away, with an Intent to steal, imbezzel or purloin any Chattel, Beding or Furniture, which by Contract or Agreement he or they are to use, or shall be lett to him or them to use, in such Lodging, such taking, imbezzeling or purloining, shall be to all Intents and Purposes taken, reputed and adjudged, to be *Larceny* and *Felony*, and the Offender shall suffer as in Case of *Felony*.

A Woman shall not suffer Death for a *Felony*, where the Benefit of Clergy is allowed to a Man; but shall be burnt in the Hand, and suffer one Year's Imprisonment. [13. & 14 *W.* & *M.* C. 9.]

## CHAP. CXXVII.

### *Against House-Breakers, Horse-Stealers, &c.*

FOR preventing of House-breaking, Shop-lifting, and Stealing of Horses, and other notorious Crimes too frequently committed: Be it therefore Enacted, That all and every Person or Persons that shall either by Day or Night (from and after the 20th of *May*, 1699) Feloniously steal any Goods or Merchandizes, being of the Value of Five Shillings, out of any Shop, Coach-House, or Stable (altho' not actually broke by such Offender or Offenders) or shall assist or hire, or command any Person to

commit such Offence, being thereof lawfully convicted by Confession or Indictment, shall hereby be excluded from the Benefit of Clergy.

And all Persons who shall apprehend and take any Person guilty of the Felonies aforesaid, and prosecute him or her, or them, until they be Convicted of the said Crimes, shall have for their Reward (without any Fee paid for the same) Forty Pounds, by a Certificate under the Judge's, or Justice or Justices Hands before whom such Conviction shall be made. And by Vertue hereof, the said Person or Persons having Right thereto, shall be discharged of and from all Manner of Parish and Ward Offices wherein such Felonies shall be committed, and the said Judge or Justices shall direct the Certificate into so many Shares as they shall think reasonable.

If any Person or Persons shall be slain by endeavouring to apprehend such House-Breakers, House-Stealers, or Felons as aforesaid, their Executors or Administrators shall have the said Certificate Gratis.

Such as shall (being out of Prison) discover Two or more such House-Breakers, or Felonies aforesaid, and prosecute them till Convicted, shall have his Pardon for all Burglaries and Felonies in stealing of Horses, Money, Wares or Goods, as aforesaid, committed before such Discovery made.

No Clerk of Assize, Clerk of the Peace, or other person, shall take any Fee of persons bound by any Justice of the Peace to appear as Evidence against any Traytor or Felon for Discharge of their Recognizance, nor shall take above Two Shillings for drawing of a Bill of Indictment, under the penalty of Five Pounds to the Party grieved, with full Costs of Suit.

If any Clerk of Assize, Clerk of the Crown, Clerk of the Indictments, or other proper Officer, their Clerks or Deputies, draw any Bill defective, they shall draw another *Gratis*, or forfeit Five pounds to the Party griev'd, with full Costs of Suit. [ 11. & 12. ]

## CHAP. CXXVIII.

*An Act for Repealing a Clause in an Act, Intituled, An Act for the better Apprehending, Prosecuting and Punishing Felons that Commit Burglaries, House-breaking, or Robberies in Shops, Ware-houses, Coach-houses or Stables, or that Steal Horses.*

WHEREAS by an Act made in the Tenth Year of the Reign of his late Majesty King *William* the Third, Intituled, *An Act for the better Apprehending, Prosecuting and Punishing Felons that Commit Burglaries, House-breaking, or Robbery in Shops, Ware-houses, Coach-houses, Stables, or that Steal Horses*, It is (amongst other things) enacted, that from and after the Twentieth Day of *May*, 1699, all and every Person and Persons who should be convicted of or for any Theft or Larceny, and should have the Benefit of the Clergy allowed thereupon, or ought to be Burnt in the Hand for such Offence, instead of being Burnt in the Hand, should be Burnt in the most visible part of the Left-Cheek nearest the Nose.

And whereas it has been found by Experience, that the said Punishment hath not had its desired Effect, by deterring such Offenders from the further committing such Crimes and Offences, but on the contrary, such Offenders being rendred thereby unfit to be intrusted in any Service or Employment to get their Livelihood in any honest and lawful way, become the more desperate: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, that from and after the Fourteenth Day of *February*, which shall be in the Year of our Lord 1706, so much of the said Act as inflicts or concerns the inflicting the said Punishment of Burning in the Cheek, shall be, and is hereby Repealed.

And be it further Enacted, That in all Cases where any Person or Persons shall, from and after the said Fourteenth Day of *February*, be Convicted of any Theft or Larceny, and shall have the Benefit of this Act allowed thereupon, or ought by the Laws in Force before the making the said Act, to be Burned in the Hand for such Of-

fence, shall be Burnt in the Hand, as formerly they should or ought to have been before the making of the said Act; and the Judge or Justices before whom such Offender or Offenders shall be Tryed and Convicted, shall also, at his or their Discretion, Award and give Judgment, That such Offender and Offenders shall be Committed to some House of Correction or Publick Work-house within the County, City, Town or Place where such Conviction shall be, there to be, remain and be kept, without Bail or Mainprize, for such time as such Judge or Justices shall then Judge and Award, not less than Six Months, and not exceeding Two Years, to be Accounted from the time of such Conviction, and an Entry thereof shall be made of Record, pursuant to such Judgment and Award, and such Offender and Offenders so Judged and Awarded to remain and be kept in such House of Correction or Publick Work-house, shall be there set at Work, and kept at Hard Labour for and during such time as shall be so Adjudged and Recorded; and in case such Person or Persons shall refuse or neglect to Work and Labour as they ought to do, the Master or Keeper of such House of Correction or Publick Work-house respectively, is hereby required to give such Persons such due Correction as shall be fit and necessary in that behalf.

And be it further Enacted by the Authority aforesaid, That in case any such Offender or Offenders, shall after such Judgment given Escape out of Prison, or out of such House of Correction, or Publick Work-house, as he, she or they shall be committed to, as aforesaid, such Person or Persons, being afterwards Retaken, shall be be brought before some or One of Her Majesties Judges, or before Two or more Justices of the Peace (whereof One to be of the *Quorum*) of such County, City, Town or Place, where such Offender or Offenders shall be so Retaken; which Judge or Justices are hereby required to Commit such Offender and Offenders to some House of Correction or Publick Work-house, within such County, City, Town or Place, where he, she or they shall be so Retaken, there to remain without Bail or Mainprize for any time not less than Twelve Months, and not exceeding Four Years, to be accounted from the time of such Retaking, and there be set at Work and kept at hard Labour, and receive such due Correction, as aforesaid. And in case any Master or Keeper of any House of Correction or Publick Work-house, shall neglect to do his Duty, as above directed, any Judge or Justice of Assize or Goal-Delivery, upon Complaint and due Proof thereof upon the Oath of One or more Witnesses to him made, shall

shall be, and is hereby impowered to Remove every such Person from his said Office.

And forasmuch as when any Person is Convicted for any Felony within the Benefit of Clergy, upon his Prayer to have the Benefit thereof Allowed to him, it hath been used to Administer a Book to him to try whether he can Read as a Clerk, which by Experience is found to be of no use.

Be it therefore Enacted by the Authority aforesaid, That from and after the said Fourteenth Day of *February*, if any Person be Convicted of any such Felony, for which he ought to have the Benefit of his Clergy, if this Act had not been made, and shall pray to have the Benefit of this Act, he shall not be required to Read, but without any Reading shall be Allowed, Taken and Reputed to be and Punished as a Clerk Convict, which shall be as Effectual to all Intents and Purposes, and be as Advantageous to him, as if he had Read as a Clerk: Any thing in this Act, or any other Law or Statute to the contrary notwithstanding. [*5. A.*]

## CHAP. CXXIX.

### *Houses not actually broke open.*

IF any Person shall Feloniously steal any Money, Goods, or Chattels, or Merchandizes, to the Value of Forty Shillings, or more, being in any Dwelling-House, or Out-House thereto belonging, although such House or Out-House be not actually broken by such Offender, and although the Owner of such Goods, or any other Person or Persons be, or be not in such House or Out-House, or shall assist any Person or Persons, or aid him or them to commit any such Offence, being thereof Convicted, shall be absolutely debar'd of the Benefit of Clergy.

Nothing in this Act shall extend to Apprentices under the Age of Fifteen Years, who shall Rob their Masters as aforesaid.

If any Person shall enter into the Mansion House of another, either by Day or Night, without breaking the same, with Intent to commit Felony; or being in such House shall commit Felony;

or

or in the Night Time ſhall break ſuch Houſe to get out of the ſame, ſhall be thereby adjudged to be guilty of Burglary, as fully as if ſuch Perſon had broke and entred the ſaid Manſion Houſe in the Night Time, with an Intent to commit Felony therein. [12. *A.*]

## CHAP. CXXX.

### *Hunting in Corn.*

NO Perſon ſhall Hunt with his Spaniels in any Ground where Corn, or other Grain ſhall grow, at ſuch time as any Ear'd or Codded Corn ſhall grow, or be ſtanding upon the ſame, nor until ſuch time, as ſuch Corn ſhall be ſhockt or cockt, &c. upon Pain of Forfeiture for every time he ſhall Hawk or Hunt as aforeſaid, (without the Conſent of the Owner thereof) the Sum of Forty Shillings to the Owner thereof, one Juſtice of the Peace may Examine this Offence, and bind the Offender to the Quarter Seſſions, there to be proſecuted for the ſame. [23. *E.* C. 10.]

Hunting with Diſguis'd Faces in Parks, *vid* 32. *H.* 8. *Chap.* 11. Confirmed by the 7. *E.* 6. *Chap.* 11.

That the ſame Offences are made Felony, by the 9*th* of King *George.*

CHAP.

## CHAP. CXXXI.

*How and by whom Hue and Cries are to be made, and the Penalty for Default thereof, &c.*

WHEREAS by Two ancient Statutes, the one made in the Parliament holden at *Winchester*, in the 13th Year of the Reign of King *Edward* the First, and the other in the 28th Year of the Reign of King *Edward* the Third, it was for the better repreſſing of Robberies and Felonies (amongſt other things) Enacted to this Effect, That if the Country do not anſwer for the Bodies of ſuch Malefactors, that then the Pain ſhould be ſuch, that is to wit, that the People dwelling in the Country ſhall be anſwerable for the Robberies done, and the Damages; ſo that the whole Hundred where the Robbery ſhall be done, with the Franchiſes which are within the Precinct of the ſame Hundred, ſhall anſwer the Robberies done. And if the Robbery chance to be done in the Diviſion of Two Hundreds, that then both the Hundreds together, with the Franchiſes within the Precinct of them, ſhall be anſwerable, as in the ſaid Two ſeveral Statutes it doth more at large appear.

The Queen's Majeſty having ſpecial Regard to abate the Power of Felons, and to repreſs Felonies, doth for Remedy hereof, with the Conſent of the Lords Spiritual and Temporal, and of the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame Parliament, Eſtabliſh and Enact, That the Inhabitants and Reſiants of every, or any ſuch Hundred, (with the Franchiſes within the Precinct thereof) wherein Negligence, Fault or Defect of Perſuit, and freſh Suit, after Hue and Cry made, ſhall happen to be, from and after Forty Days, next after the End of this preſent Seſſion of Parliament, ſhall anſwer and ſatisfie the One Moiety or Half of all and every ſuch Sum and Sums of Money and Damages, as ſhall by Force or Vertue of the ſaid Statutes, or either of them be recover'd or had againſt, or of the ſaid Hundred,

with

with the Franchiſes therein, in which any Robbery or Felony ſhall at any Time hereafter be committed or done. And that the ſame Moiety ſhall and may be recovered by Action of Debt, Bill, Plaint or Information, in any of the Queen's Majeſty's Courts of Record at *Weſtminſter*, &c. and in the Name of the Clerk of the Peace for the Time being, of or in every ſuch County within this Realm, where any ſuch Robbery and Recovery, by the Party or Parties robbed ſhall be, without naming the Chriſtian Name or Sir-Name of the ſaid Clerk of the Peace; which Moiety ſo recovered, ſhall be to the only Uſe and Behoof of the Inhabitants of the ſaid Hundred where any ſuch Robbery or Felony ſhall be committed or done.

Be it enacted by the Authority aforeſaid, that after Execution of Damages by the Party or Parties ſo Robbed had, it ſhall and may be lawful (upon complaint made by the Party or Parties ſo charged) to and for two Juſtices of the Peace (whereof one to be of the Quorum) of the ſame County, inhabiting within the ſaid Hundred, or near unto the ſame, where any ſuch Execution ſhall be had, to Aſſeſs and Tax rately and proportionably, according to their Diſcretions, all and every the Towns, Pariſhes, Villages and Hamlets, as well of the ſaid Hundred where any ſuch Robbery ſhall be committed, as of the Liberties within the ſaid Hundred, to and towards an equal Contribution to be had and made, for the Relief of the Inhabitant or Inhabitants againſt whom the Party or Parties Robbed, before that time had his or their Execution.

And that after ſuch Taxation made, the Conſtables, Headboroughs or Headborough of every ſuch Town, Pariſh, Village and Hamlet, ſhall by Virtue of this preſent Act, have full Power and Authority within their ſeveral Limits, rateably and proportionably to Tax and Aſſeſs according to their Abilities, every Inhabitant or Dweller in every ſuch Town, Pariſh, Village or Hamlet, for, and towards the Payment of ſuch Taxation and Aſſeſſment, as ſhall be ſo made upon every ſuch Town, Pariſh, Village and Hamlet, as aforeſaid, by the ſaid Juſtices.

And that if any Inhabitant of any ſuch Town, Pariſh, Village or Hamlet, ſhall obſtinately refuſe and deny to pay the ſaid Taxation and Aſſeſſment, ſo by the ſaid Conſtables, Conſtable, Headboroughs or Headborough Taxed and Aſſeſſed, that then it ſhall and may be lawful to and for the ſaid Conſtables and Headboroughs, and every of them within their ſeveral Limits and Juriſdictions, to diſtrain all and every Perſon and Perſons ſo refuſing and denying, by his

and

and their Goods and Chattels, and the ſame Diſtreſs to ſell, and the Money thereof coming, to retain to the Uſe aforeſaid, and if the Goods and Chattels ſo diſtrained and ſold, ſhall be of more Value then the ſaid Taxation ſhall come unto, that the reſidue of the ſaid Money, over and above the ſaid Taxation, ſhall be delivered unto the ſaid Perſon or Perſons ſo diſtrained.

And be it further enacted, that all and every the ſaid Conſtables and Headboroughs, after that they have within their ſeveral Limits and Juriſdictions, Levied and Collected their ſaid Rates and Sums of Money ſo Taxed, ſhall within Ten Days after ſuch Collection, pay and deliver the ſame over unto the ſaid Juſtices of the Peace, or one of them, to the Uſe and behalf of the ſaid Inhabitant or Inhabitants, for whom ſuch Rate, Taxation and Aſſeſſment ſhall be had or made as aforeſaid: Which Money ſo paid, ſhall by the Juſtices or Juſtice ſo receiving the ſame, be delivered again (upon requeſt made) unto the ſaid Inhabitant or Inhabitants, to whoſe uſe the ſame was Collected.

And be it further enacted by the Authority aforeſaid, that the like Taxation, Aſſeſſment, Levying, by Diſtreſs and Payment as aforeſaid, ſhall be had and done within every Hundred, where Default or Negligence of purſuit and freſh ſuit ſhall be, for and to the Benefit of all and every Inhabitant or Inhabitants of the ſame Hundred, where ſuch Default ſhall be, that ſhall at any Time hereafter by Vertue of this preſent Act, have any Damages or Money levyed of them, for or to the Payment of the one Moiety, or Half of the Money recovered againſt the ſaid Hundred, where any Robbery ſhall be hereafter committed.

Provided alſo, and be it further Enacted by the Authority aforeſaid, that where any Robbery is, or ſhall be hereafter committed by Two, or a greater Number of Malefactors, and that it happen any One of the ſaid Offenders to be apprehended by Perſuit to be made according to the ſaid former mention'd Laws and Statutes, or according to this preſent Act, that then, and in ſuch Caſe, no Hundred or Franchiſe ſhall in any wiſe incur, or fall into the Penalty, Loſs or Forfeiture mentioned either in this preſent Act, or in any the former Statutes, although the reſidue of the ſaid Malefactors ſhall happen to Eſcape, and not be apprehended: Any thing in this Statute, or in the former Statutes to the contrary notwithſtanding.

Provided alſo, that no Perſon or Perſons hereafter robbed, ſhall take any Benefit by vertue of any the former Statutes, to charge any Hundred where any ſuch Robbery ſhall be committed, except

he or they ſo Robbed, ſhall commence his or their Suit or Action within one Year next after ſuch Robbery ſo to be committed.

And be it further enacted by the Authority aforeſaid, that no Hue and Cry, or purſuit hereafter to be done or made in the County, or Inhabitants of any Hundred, ſhall be allowed and taken to be a lawful Hue and Cry, or Purſuit, upon or after the ſaid Felons or Offenders, except the ſame Hue and Cry, or purſuit be done and made by Horſe-men and Foot-men: Any Uſage or Cuſtom to the contrary notwithſtanding. [27. *E. C.* 13.]

If a Robbery is committed on a *Sunday*, the Hundred ſhall not be anſwerable.

The Party Robb'd ſhall give preſent Notice to the Towns and Pariſhes near the Place where he was Robb'd.

No Action ſhall be brought, except within Twenty Days before, The Party Robb'd ſhall be examin'd before ſome Juſtice of the Peace, whether he knows any that Robb'd him, if ſo, ſhall enter into Recognizance effectually to proſecute him or them. 29 *Car.* 2. *C.* 7.

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## CHAP. CXXXII.

### *Indentures Stamps.*

BE it enacted, That every Indenture, or Writing Indorſed (in caſe the ſame be Entred into, Executed or ſigned within the ſpace of Fifty Miles, to be Computed from the Limits of the Weekly Bills of Mortality) ſhall, within Three Months after the Date or Making thereof, and if the ſame be Entred into, Executed or Signed in any Part of *Great Britain*, at a greater Diſtance from the Limits aforeſaid, ſhall, within Six Months after the Date or Making thereof, be brought or ſent to the Head-Office, where the ſame (being produced with the ſaid Recept Endorſed) ſhall be immediately Stamped with one of the ſaid New Stamps, as the Caſe ſhall require, by the Officer appointed, or to be appointed for that Purpoſe.

And be it further Enacted by the Authority aforeſaid, that all ſuch Indentures or Writings, as aforeſaid, wherein ſhall not be truly Inſerted and Written, the full Sum or Sums of Money Received, or in any wiſe directly or indirectly given, paid, ſecured, or contracted for, with or Relation to ſuch Clerk, Apprentice or Servant, as afore-

aforeſaid, or whereupon the Duties payable by this Act ſhall not be duly paid, or lawfully tendred, or which ſhall not be Stamped, or lawfully tendred to be Stamped, according to the Tenor and true Meaning of this Act, within the reſpective Times herein for that purpoſe ſeverally and reſpectively limited, ſhall be Void, and not available in any Court or Place, or to any purpoſe whatſoever; And the Clerk, Apprentice or Servant whom the ſame ſhall concern or relate to, ſhall in ſuch caſe be utterly incapable of being Free of any *City, Town, Corporation* or *Company*, and of following or exerciſing the intended *Profeſſion, Trade* or *Employment*; any Charter, Law or Cuſtom to the contrary notwithſtanding.

Provided always, that nothing in this Act contained ſhall be conſtrued to extend to Charge any Maſter or Miſtreſs with the Payment of any of the ſaid Duties, in reſpect of any Money by him or her Received with any Apprentice or Servant, who ſhall be put or placed out at the Common or publick Charge of any *Pariſh* or *Townſhip*, or by or out of any Publick Charity, or to require the Stamping with any ſuch New Stamp, as aforeſaid, of any Indenture, Articles, Covenant, Agreement or Contract relating to ſuch Apprentice or Servant as laſt mentioned; any thing herein contained to the contrary notwithſtanding.

And be it further enacted by the Authority aforeſaid, That if any Perſon ſhall Forge or Counterfeit the ſaid New Stamps to be provided in purſuance of this Act, or either of them, or impreſs any Vellum, Parchment or Paper with any ſuch Counterfeit Stamp, or Counterfeit any Receipt for any Monies payable by Virtue of this Act, every ſuch Perſon, being Convicted of any of the Offences before mentioned, ſhall be adjudged a Felon, and ſuffer as in Caſes of Felony, without Benefit of Clergy.

And be it further enacted by the Authority aforeſaid, that no Indenture or Writing, required by this Act to be Stamped, as aforeſaid, ſhall be given or admitted in Evidence in any Suit to be brought by any of the Parties thereunto, unleſs ſuch Party, on whoſe behalf the ſame ſhall be given or admitted in Evidence, do firſt make Oath, that to the beſt of his or her Knowledge, the Sum or Sums therein for that purpoſe inſerted or mentioned was or were really and truly all that was directly or indirectly given, paid, ſecured or contracted for, on behalf or in reſpect of ſuch Clerk, Apprentice or Servant, to and for the Benefit of the Maſter or Miſtreſs to or with whom ſuch Clerk, Apprentice or Servant was Put or Placed.

And be it Declared and further Enacted by the Authority aforeſaid, that from and after the ſaid 1ſt Day of *May*, 1710. and during the ſaid Five Years, where any Thing or Things, not being Lawful Money of *Great Britain*, ſhall directly or indirectly, be Given, Aſſigned, Conveyed, Delivered, Contracted for, or Secured, to or for the Uſe or Benefit of any Maſter and Miſtreſs, with or in reſpect of any ſuch Clerk, Appentice or Servant, for whom a Duty is chargeable by this Act; the Duties hereby granted and laſt mention'd, ſhall be anſwered and paid, for the full Value or Values of ſuch Thing or Things, and the ſame Duties for the ſaid Values, ſhall be Secured and Anſwered in the ſame Manner and Form, and under the like Pains and Penalties, Forfeitures and Incapacities, as are before in this Act provided for ſecuring the ſaid Rates upon Monies given or paid, or agreed to be given or paid, with ſuch Clerks, Apprentices or Servants, as aforeſaid. [8. *A.*]

## CHAP. CXXXIII.

### *Indictments.*

IF any Indictment be againſt any Perſon for not repairing Highways, Cawſeys, Pavements or Bridges, and the Title to repair the ſame may come in Queſtion, upon ſuch Suggeſtion, and an Affidavit made thereof, a *Certiorari* may be granted to remove the ſame into the King's-Bench, any Law to the contrary notwithſtanding. [ 5. & 6. *W.* & *M.* C. 5. ]

## CHAP. CXXXIV.

### *Jurors.*

JUSTICES at *Midſumer* Quarter Seſſions to iſſue out Warrants to the High-Conſtables, to iſſue out their Warrants to the Petty-Conſtables to return Liſts of Free-holders, according to the 7th and 8th of *W.* 3d. which the Petty-Conſtables are to return the Firſt Day of *Michaelmas* Seſſions: The High-Conſtables failing of their Duty, forfeit Ten Pounds; the Petty-Conſtables failing of their Duty, forfeit Five Pounds, by the 3d and 4th of *A.* C. 18. S. 5.

CHAP.

## CHAP. CXXXV.

### *Juſtices of the Peace.*

JUſtices of the Peace have Power to Arreſt and chaſtiſe Rioters, and other Offenders; and alſo to impriſon and puniſh them according to Law; and alſo to bind People of Evil Fame to the Good Behaviour; to hear and determine Treſpaſſes done in the ſame County, according to Law; and to impoſe Fines and Treſpaſſes Reaſonable and Juſt. [ 34. *E. C.* 3. ]

## CHAP. CXXXVI.

### *Lamps.*

ENacted by this preſent Parliament, That during the Continuance of the *Duties on Candles*, no Perſon or Perſons whatſoever ſhall uſe or cauſe, procure or ſuffer to be uſed in the Inſide of his, her, or their Dwelling-Houſe, any *Lamp* or *Lamps*, wherein any Oil or Fat (other than Oil made of Fiſh within *Great Britain*) ſhall be burnt for giving Light, under the Penalty of Forty Shillings; but ſubject to be mitigated according to the Laws of Exciſe. [ 8. *A.* ]

## CHAP. CXXXVII.

### *The King's Prerogative in having the Lands of Felons attainted.*

THE King ſhall have the Goods of all *Felons* attainted, and *Fugitives*, whereſoever they be found. And if they have Freehold, then it ſhall be forthwith taken into the King's Hands. And the King ſhall have all Profits of the ſame by One Year and One Day, and the Land ſhall be waſted and deſtroyed in the Houſes, Woods, and Gardens, and in all manner of things belonging to the ſame Land, excepting Men of certain Places priviledged by the King therefore. And after our Lord the King hath had the Year, Day, and Waſte, then the Land ſhall be reſtored to the Chief Lord

of

of the ſame Fee, unleſs that he Fine before with the King for the Year, the Day, and the Waſte. Nevertheleſs, it is uſed in the County of *Glouceſter* by Cuſtom, that after One Year and One Day, the Lands and Tenements of *Felons* ſhall revert and be reſtored to the next Heir, to whom it ought to have deſcended if the *Felony* had not been done. And in *Kent*, in Gauelkind: The Father to the Bough, the Son to the Plough. There all Heirs Male ſhall divide their Inheritance, and likewiſe Women, but Women ſhall not make Partition with Men. And a Woman after the Death of her Huſband ſhall be endowed of the Moiety. And if ſhe commit Fornication in her Widowhood, or take an Huſband after, ſhe ſhall loſe her Dower. [ 17. *E.* 2. *C.* 16. ]

Juſtices in Quarter-Seſſions may appoint Searchers and Sealers of *Tann'd-Leather*. [ 1. *J.* 1. *C.* 22. ]

All Forfeitures on the Duties on *Leather*, ſee *Exciſe*.

*Linnen-Cloth.* No Perſon ſhall uſe any Means whereby Linnen-Cloth ſhall be deceitfully made, on pain to forfeit the ſame, and to ſuffer a Month's Impriſonment, and be fined by the Juſtices of the Peace, any Three of them, *Quorum Unus*.

*See more of Linnen Manufactures under Cloth*, 12. *of* Ann.

*Lord's-Day*, ſee *Sunday*.

*Lutſtrings* and *Alamodes*. One Juſtice may grant his Warrant to ſearch for and ſeize prohibited *Alamodes* and *Lutſtrings*, upon the Oath of One or more Credible Perſons, that he hath juſt Cauſe to believe there are ſome ſuch Silks fradulently imported. [ 9. & 10. *W.* 3. *C.* 43. *S.* 5. ]

## CHAP. CXXXVIII.

### *Malt.*

ENacted, That no Malſter ſhall at at any time within the Months of *June*, *July*, or *Auguſt*, make any Barley into Malt except the ſame hath been in the Fate-Floor, ſteeping and drying, the Time and Space of Seventeen Days at leaſt, upon the Forfeiture of Forty Shillings for every Quarter of Malt made, contrary to the Tenor of this Act. And if any Perſon ſhall put to Sale any Malt, which ſhall

shall not be well trodden, rubed or well sun'd, whereby there shall be found out of every Quarter of Malt Half a Peck of Dust, or more, shall forfeit Twenty Shillings: Nor mingle Mow-burnt Malt or Spir'd Barley with good Malt, under the Penalty of Two Shillings for every Quarter. Justices of the Peace in their Sessions may inquire into and punish these Offences. [2. & 3. *W.* & *M.* c. 10.]

The Act of the 39th of *Elizabeth* for restraining of Maltsters excessive making of Malt is repeal'd.

All *Cyder* and *Perry* made for Sale, (over and above the present Duties) Four Shillings *per* Hogshead, to be paid by the first Buyer or Retailer. And every Person who shall buy any *Cyder* or *Perry*, or Fruit to make it into *Cyder* or *Perry*, and shall sell the same by the Hogshead, or by any greater or lesser Vessel, shall be deem'd a Retailer, and Chargeable with the said Duties.

The Commissioners of Excise, or such Persons as they shall appoint, or Collector, or Supervisor, may Compound with any Persons for the Duties on Malt not made for Sale, after the Rate of Five Shillings for every Head in the Family, and take Security for the Payment of it Quarterly. But if any Person, after such Composition made, shall sell or deliver out any Malt to others, or sell any Beer or Ale made of Malt, they shall forfeit Fifty Pounds, and lose the Benefit of the Composition. Out of every Twenty Bushels of Malt so charged, there shall be an Allowance of Four Bushels, in Consideration of Corn wet and swoln, when it is converted into Malt. [8. & 9. *W.* 3.]

Prosecution for any of the Offences committed against this Act, may be made within Five Years. By the 12th of *A.*

## CHAP. CXXXIX.

### *Marriages.*

BE it enacted, that if any Person shall *Marry*, his former Wife being alive, such Offence shall be Felony, and the Offender shall be try'd in the County where he shall be taken. Provided this Act shall not extend to any Person that shall be continually remaining beyond the Seas for Seven Years together, or whose Husband or Wife shall Absent themselves from one another for Seven Years together in any part of his Majesties Dominions, and neither of them knowing each other to be living; nor to any Person that shall be

*Divorced*

*Divorced* by any *Sentence* in the *Eccleſiaſtical Court*, nor to any Perſon for or by Reaſon of any *Marriage*, made within the Age of Conſent. [1*ſt Jac.* C. 11.]

If after the 24th of *June* 1712. any *Perſon*, *Vicar* or *Curate*, or other Perſon in *Holy Orders*, ſhall *Marry* in any place whatſoever, without Publication of Banns, or without Licence from the proper *Ordinary*, he ſhall Forfeit One Hundred Pounds, with full Coſts, one Moiety to the Crown, and the other Moiety to him that ſhall ſue for the ſame, in any Court of Record, if ſuch Perſon ſhall be impriſon'd in any Goal, beſides a County Goal, he may be removed there to remain charg'd with the Penalty, with all the Cauſes of his Impriſonment. And if any *Goaler* or *Keeper* of a *Priſon*, ſhall knowingly permit any *Marriage* in his Priſon before Publication of Banns or Licence obtained as aforeſaid, he ſhall for every ſuch Offence, forfeit One Hundred Pounds, to be Recover'd and Diſtributed as aforeſaid.

Provided the ſaid Proviſion for *Marriages*, ſhall not extend unto *Scotland*.

Saving to all *Arch-Biſhops* and *Biſhops*, the free *Exerciſe* of all *Eccleſiaſtical Juriſdictions*. [10. *A.*]

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## CHAP. CXL.

### *Militia.*

WHere Papiſts or reputed Papiſts, or other Perſons, refuſing to take the Oaths appointed by the Act of the 1ſt. of *W.* & *M.* are charged in reſpect of their Eſtates to the finding of a Horſe or Foot Soldiers; the Lieutenant or Lieutenants may appoint ſuch Perſons as they ſhall think fit to furniſh and ſet forth one or more Horſe or Horſes, or Foot Soldiers, for the ſaid Eſtates, with the Yearly Payment of Eight Pounds for a Horſe, Horſe-Man, and Arms, and for every Foot Soldier and Arms Thirty Shillings, to be paid to the Perſon that ſhall furniſh and ſet forth the ſame. [2. *W.* & *M.*]

Papiſts or Reputed Papiſts, and Perſons Refuſing to take the Oath mention'd in the 1ſt of *W.* & *M.* chargeable in Reſpect of their Eſtates, to the finding a Horſe, Horſe-Man and Arms, or a Foot Soldier and Arms, the Lieutenants or Deputy Lieutenants of the County

County or Diviſion where ſuch Eſtates do lie, or three or more of them may appoint ſuch Perſon as they ſhall think fit, to furniſh One or more Horſemen or Foot Soldiers, and Arms for the ſaid Eſtates; and may charge the ſaid Eſtates with Eight Pounds for a Horſe, Horſe-Man, and Arms; and if the Perſons ſo Chargeable ſhall neglect or refuſe to pay the ſame on Demand, the ſaid Lieutenants or Deputy-Lieutenants may levy the ſame by Diſtreſs and Sale of the Goods of ſuch Papiſts, &c. or upon their Tenants, and the Arrears for the like Service already perform'd, to be determined by Three or more Deputy-Lieutenants, rendring the Overplus, the Charge in levying thereof being firſt deducted; and the Tenant ſo diſtrain'd on, may deduct the ſame out of his Rent.

Where Two or more Perſons are Charg'd to find any Horſe, Foot, or Arms, Three or more Deputy-Lieutenants of the County or Diviſion, may direct who ſhall find the ſaid Horſe and Arms, and who ſhall be the Contributors, and ſettle the Payments by every Contributor, if not aſcertain'd by the Parties; and ſuch Contributor, or his Tenant, not paying his Proportion upon Demand, Three or more Deputy-Lieutenants of the County or Diviſion, may levy the ſame by Diſtreſs and Sale of the Goods of the Perſon ſo neglecting or refuſing to pay, rendring the Overplus, Charges in levying being firſt deducted; and the Tenant may deduct the ſame out of the Rent payable to his Landlord. [9. & 10. W. 3.]

Two or more Deputy-Lieutenants may employ ſuch Perſons as they ſhall think fit, of which a Commiſſion-Officer of the Militia and the Conſtable or Tythingman of the Parish ſhall be Two, to ſearch for and ſeize all Horſes of the Value of Five Pounds, and upwards, in the Poſſeſſion of any Perſon whom the ſaid Deputy-Lieutenants ſhall judge Dangerous to the Peace of this Kingdom, to be detain'd for any time not exceeding Six Weeks; the Owner ſhall pay to ſuch Perſon as ſhall keep the ſaid Horſe, any Sum not exceeding Five Shillings a Week, for which he may detain the ſaid Horſe, or ſell him, returning to the Owner the Overplus. No Search to be made but between Sun-Riſing and Sun-Setting, except in Cities, and in Caſe of an Invaſion. All Horſes ſo ſeiz'd, may be employ'd in his Majeſty's Service. Not to take any Mare with Colt, nor Mare in Fole, nor Colt under Three Years Old.

Two Deputy-Lieutenants or more may draw out the *Militia*, and may require the Perſons Charged to provide each Soldier's Pay in Hand; not exceeding One Month. And in Caſe of an Inſurrection or Invaſion, Two Deputy-Lieutenants or more have Power to draw out any Part of the *Militia*, and within Six Months after they ſhall be ſo drawn out, and Money advanced, as any Perſons are Charged, may by an Aſſeſſment, according to an equal Pound Rate, to be aſſeſſed through the whole County to whom they belong, in ſuch Proportions as they are Chargeable to the *Militia*, under the like Penalties and Forfeitures as the Commiſſioners for the Land-Tax are impowered to make.

The Horſe Arms are, a Broad Sword, a Caſe of Piſtols Twelve Inches in the Barrel, a Carabine with Belt and Bucket, a great Saddle or Pad with Burrs and Strops, a Bit-Bridle, with Pectoral and Crupper.

[*By the 9th of King* George, *this Act is continued for Seven Years, and to the End of the next Seſſions of Parliament; and that Lieutenants and their Deputies may appoint the Length and Size of Muſquets for Foot Soldiers.*]

Clerks that have Papers or Books relating to the *Militia*, muſt deliver the ſame under the penalty of One Hundred Pounds. This Act to continue for Five Years, and unto the End of the next Seſſion of Parliament. [1. G.]

Lieutenants nor Deputy-Lieutenants ſhall not iſſue out their Warrants for the raiſing of any Trophie-Money, until the major part of the Juſtices of the Peace, at their General Quarter Seſſions of the Peace, ſhall have examined and ſtated, and allowed the Accounts of the Trophie-Money laſt Rais'd, Levied and Collected for any preceding Year, and certifie the ſame under the Hands of three of them at leaſt, to the Lieutenants or Deputy Lieutenants. [12. *A.*]

That the Treaſurers ſhall account for Trophie-Money, to the Juſtices of the Peace, at their General Quarter Seſſions, once every Year. [1. G.]

CHAP.

## CHAP. CXLI.

### *Refusers of lawful Money.*

IF any Person hereafter refuse any Coin to take it in Payment, he that refuseth it, shall be compelled by the *Mayor*, *Sheriff*, *Bailiff*, *Constable*, or *Chief Officer* or *Governor* of the Town or Place where any such Payment shall be refused, to accept and take the said Payment, and furthermore to be imprisoned, or otherwise punished by the Discretion of the said *Mayor*, *Sheriff*, *Constable*, or other *Chief Officer* or *Governor* afore-rehearsed. And if the said, *Mayor*, *Sheriff*, *Constable* or other *Chief Officer* or *Governor*, refuse to take any such Coin in Payment, that then he so refusing the said Payment, to be compelled by the Justice of the Peace of the same County, where such Payment shall be so refused, to accept and take the said Payment: And he so refusing the same, to be further punished for the said refusing by the Discretion of the same Justice. [19. *H.* 7. *c.* 5.]

## CHAP. CXLII.

### *Mutiny and Desertion.*

BE it enacted by the Authority of this present Parliament, that for the better and more regular *Provision* of *Carriages* for His Majesties Forces in their Marches, or for their Arms, Clothes and Accoutrements in *England*, *Wales*, and Town of *Berwick* upon *Tweed*, that all Justices of the Peace, within their several *Counties*, *Ridings*, *Divisions*, *Shires*, *Liberties* and *Precincts* (being duly Required thereunto by an Order from his Majesty, or the General of his Forces, or the Master-General or Lieutenant-General of his Majesties Ordnance) shall, as often as such Order is brought and shewn unto One or more of them (by the Quarter-Master, Agent, or other Officer of the Regiment, Detatchment, Troop or Company, so ordered to March) Issue out his or their *Warrants* to the *Constables* or *Petty Constables* of the *Division*, *Riding*, *City*, *Liberty*, *Hundred* or *Precinct*, from, through, near, or to which such Regiment, Detatchment, Troop or Company shall be ordered to March, requiring them to make such *Provision* of *Carriages*, with able Men to drive the same, as is mentioned in the said *Warrant*, allowing them sufficient time to

to do the same, that the Neighbouring Parts may not always bear the Burthen: And the aforesaid Officer or Officers, who, by virtue of the aforesaid *Warrant*, from the Justices of the Peace, are to demand the *Carriage* or *Carriages* therein mentioned, of the *Constables* to whom the *Warrant* is directed, is and are hereby Required, at the same time, to pay down in Hand to the said *Constable*, for the Use of the Person who shall provide such *Carriages* and *Men*, the Sum of One Shilling for every Mile any Waggon with Five Horses shall Travel; and the Sum of One Shilling for every Mile any Wain with Six Oxen, or Four Oxen with Two Horses, shall Travel; and the Sum of Nine-pence for every Mile any Cart with Four Horses shall Travel; and so in Proportion for less *Carriages*: And such *Constable* or *Petty-Constables* shall order and appoint such Person or Persons, having *Carriages* within their respective Liberties, as they shall think proper, to provide and furnish such *Carriages* and *Men*, according to the *Warrant* aforesaid, who are hereby required to provide and the same accordingly: And if any Military Officer or Officers, for the use of whose Troop or Company the *Carriage* was provided, shall Force and Constrain any *Waggon*, *Wain*, *Cart*, or *Carriage*, to Travel more than one Days Journey, or shall not discharge the same in due time for their return Home, or shall suffer or Connive at his or their Soldiers or Servants, (except such as are Sick) or any Woman to Ride in the *Waggon*, *Wain*, *Cart* or *Carriage* aforesaid, or shall force any *Constable* or *Petty-Constable*, by threatnings or menacing Words, to provide Saddle Horses for themselves or Servants, or shall force Horses from the Owner, by themselves, Servants or Soldiers, every such Officer, for every such Offence, shall Forfeit the Sum of Five Pounds, proof thereof being made upon Oath before two of His Majesties Justices of the Peace of the same County or Riding, who are to Certifie the same to the Pay-master-General, or other respective Pay-master of His Majesties Forces, who is hereby required to pay the aforesaid Sum of Five Pounds, according to the order and appointment, under the Hands and Seals of the aforesaid Justices of the Peace of the same County or Riding, who are hereby impowered to Deduct the same out of such Officers pay.

And be it enacted by the Authority aforesaid, that if any *High-Constable* or *Petty Constable* shall wilfully neglect or refuse to execute such *Warrants* of the Justice of the Peace as shall be directed unto them, for providing *Carriages*, as aforesaid; or if any Person or Persons appointed by such *Constable* or *Petty-Constable* to provide or fur-

furniſh any *Carriage* or *Man*, ſhall refuſe or neglect to provide the ſame, or any other Perſon or Perſons whatſoever ſhall wilfully do any Act or Thing whereby the Execution of the ſaid *Warrants* ſhall be hindred or fruſtrated; every ſuch *Conſtable*, or other Perſon or Perſons ſo Offending, ſhall for every ſuch Offence forfeit any Sum not exceeding Forty Shillings, not leſs than Twenty Shillings to the Uſe of the *Poor of the Pariſh* where ſuch Offence ſhall be committed; and all and every ſuch Offence and Offences ſhall and may be enquired of, heard, and fully determined by two of his Majeſties Juſtices of the Peace, dwelling in or near the Place where ſuch Offence ſhall be committed, who have hereby Power to cauſe the ſaid Penalty to be Levied by Diſtreſs and Sale of the Offenders Goods and Chattels, rendring the Overplus if any be, to the Owner.

And whereas the reſpective Sums of Money by this Act appointed to be paid to the *Conſtable* by the Officers demanding ſuch *Carriages*, are not in many Caſes, ſufficient to anſwer the Charge and Expences of providing the ſame, inſomuch that the ſaid *Conſtables* are frequently at great Charges, over and above what is received by them of the ſaid Officers, to the great Burthen of the Townſhip of which he is *Conſtable*, or elſe the Perſons performing ſuch *Carriages* are grievouſly oppreſſed.

For Remedy whereof, and that the ſaid Overplus-Charge may be born by each County or Riding, at the general Charge of ſuch County or Riding, be it further enacted by the Authority aforeſaid, that the Treaſurer or Treaſurers of each reſpective County or Riding, ſhall, without Fee or Reward pay unto ſuch *Conſtable* or *Conſtables* all and every ſuch reaſonable Sum and Sums of Money, ſo by him or them paid or laid out for ſuch *Carriages*, over and above what was or ought to have been paid by the Officer requiring ſuch *Carriages*, out of the publick Stock of ſuch County or Riding, according to ſuch Rates, Orders, Rules or Directions, as the ſaid Juſtices of the Peace in their Quarter-Seſſions aſſembled within their reſpective Juriſdictions, ſhall, from time to time, during the Continuance of this Act, make, direct or appoint, (which Orders ſhall be made without Fee or Reward) Regard being always had to the Seaſon of the Year, and the Length and Condition of the Ways by and through which ſuch *Carriages* are to Travel.

And in caſe the ſaid publick Stock of the County or Riding be not ſufficient (over and above the other Purpoſes for which it was raiſed) to ſatisfie the extraordinary Charge of *Carriages* before mentioned, it is hereby further enacted, that the ſaid Juſtices of the

Peace

Peace in the General Quarter-Seſſions, ſhall have Power, from time to time, to raiſe Monies upon their reſpective Counties or Ridings, in ſuch manner as they now raiſe Money for County Goals and Bridges, to ſatisfie the ſaid extraordinary Charge of Carriages.

Provided always, and be it further enacted, that no *Waggon, Wain, Cart* or *Carriage*, impreſſed by the Authority of this Act, ſhall be liable or obliged by virtue of this Act, to carry above Twenty Hundred Weight; any thing in this Act contained to the contrary notwithſtanding.

And whereas great Abuſes are frequently committed by the Liberty taken by ſome Officers and Soldiers to Quarter their Wives, Children, and Maid-Servants, in their Quarters, contrary to the purport and meaning of this Act; Be it enacted by the Authority aforeſaid, that if any Officer, Military and Civil, by this Act authorized to Quarter Soldiers in any Houſes hereby appointed for that purpoſe, ſhall at any time, during the Continuance of this Act, Quarter any of the Wives, Children or Maid-Servants of Officer or Soldier, in any ſuch Houſes, againſt the Conſent of the Owners, the Party offending, if Officer or Soldier of the Army, ſhall upon Complaint and Proof thereof made to the Commander in Chief of the Army, or Judge-Advocate, be *ipſo facto* Caſhired: And if a *Conſtable, Tythingman*, or other Civil Officer, he ſhall Forfeit to the Party grieved Twenty Shillings, upon Complaint and proof thereof made to the next Juſtice of the Peace, to be Levied by *Warrant* of ſuch Juſtice, by Diſtreſs and Sale of his Goods, Rendring the Overplus to the Party, after Deducting reaſonable Charges in taking the ſame.

And for the better *Preſervation of the Game*, in or near ſuch Place where any Officers or Soldiers ſhall at any time be Quarter'd, Be it Enacted by the Authority aforeſaid, That if, from and after the ſaid 24th Day of *March*, 1720, any Officer or Soldier ſhall, without Leave of the Lord of the Manor, under his Hand and Seal, firſt had and obtained, take, kill, or deſtroy, any *Hare, Coney, Pheaſant, Partridge, Pigeon*, or any other Sort of *Fowls, Poultry*, or *Fiſh*, or his Majeſties Game, within the Kingdom of *Great Britain*, and upon Complaint thereof, ſhall be upon Oath of One or more Credible Witneſs or Witneſſes, Convicted before any Juſtice of the Peace, who is and are hereby impowered and authorized to hear and determine the ſame: (that is to ſay) Every Officer ſo offending, ſhall, for every ſuch Offence, forfeit the Sum of Five Pounds, to be diſtributed among the *Poor* of the Place where ſuch Offence ſhall be

be committed; and every Officer commanding in Chief upon the Place, for every ſuch Offence committed by any Soldier under his Command, ſhall forfeit the Sum of Twenty Shillings, to be paid and diſtributed in Manner aforeſaid: And if upon ſuch Conviction made by the Juſtices of the Peace, and Demand thereof alſo made by the *Conſtable* or *Overſeers of the Poor*, ſuch Officer ſhall refuſe or neglect, and not within Two Days pay the ſaid reſpective Penalties, ſuch Officer ſo refuſing or neglecting, ſhall forfeit, and is hereby declared to have forfeited his Commiſſion, and his Commiſſion is hereby declared to be Null and Void.

And whereas ſeveral Soldiers being *duly Liſted*, do afterwards *Deſert*, and are often found wandering, or otherwiſe abſenting themſelves Illegally from his Majeſties Service; It is hereby further Enacted, That it ſhall and may be Lawful to and for the *Conſtable*, *Headborough*, or *Tythingmen*, of the *Town* or *Place* where any Perſon, who ſhall be reaſonably ſuſpected to be ſuch a *Deſerter* ſhall be found, to apprehend or cauſe him to be apprehended, and to cauſe ſuch Perſon to be brought before any Juſtice of the Peace living in or near ſuch *Town* or *Place*, who hath hereby Power to examine ſuch ſuſpected Perſon; and if, by his Confeſſion, or by the Teſtimony of One or more Witneſs or Witneſſes upon Oath, or by the Knowledge of ſuch Juſtice of the Peace, it ſhall appear or be found, that ſuch ſuſpected Perſon is a *Liſted Soldier*, and ought to be with the Troop or Company to which he belongs, ſuch Juſtice of the Peace forthwith ſhall cauſe him to be conveyed to the Goal of the County or Place where he ſhall be found, and tranſmit an Account thereof to the *Secretary at War* for the Time being, to the end ſuch Perſon may be proceeded againſt according to Law.

And for the better Encouragement of any Perſon or Perſons to ſecure or apprehend ſuch *Deſerters* as aforeſaid, Be it further enacted by the Authority aforeſaid, That ſuch Juſtice of the Peace ſhall alſo iſſue his *Warrant* in Writing to the Collector or Collectors of the Land-Tax Money of the Pariſh where ſuch *Deſerter* ſhall be apprehended, for paying out of the Land-Tax Money ariſen or to ariſe in the Year 1721, to the Hands of ſuch Perſon who ſhall apprehend, or cauſe to be apprehended, any *Deſerter* from his Majeſties Service, the Sum of Twenty Shillings for every *Deſerter* that ſhall be ſo apprehended and committed; which Sum of Twenty Shillings ſhall be ſatisfied by ſuch Collector upon whom ſuch *Warrant* ſhall be directed, and allowed upon his Account.

Provided

Provided always, That if any Perſon ſhall harbour, conceal, or aſſiſt any *Deſerter* from his Majeſties Service, knowing him to be ſuch, or ſhall knowingly Buy or Exchange, or otherwiſe receive any Arms, Clothes, Caps, or other Furniture belonging to the King, from any *Soldier or Deſerter*, upon any Account or Pretence whatſoever, or cauſe the Colour of ſuch Clothes to be changed, the Perſon ſo offending ſhall forfeit, for every ſuch Offence, the Sum of Five Pounds; and being Convicted thereof by the Oath of One or more Credible Witneſs or Witneſſes before any of his Majeſties Juſtices of the Peace, the ſame ſhall be *Levied by Warrant* under the Hands of the ſaid Juſtice or Juſtices of the Peace, by Diſtreſs and Sale of the Goods and Chattels of ſuch Offender; the One Moiety thereof to be paid to the Informer, by whoſe Means ſuch *Deſerter* ſhall be apprehended, and the other Moiety to the Officer to whom ſuch *Deſerter* did belong.

Provided always, That no Commiſſion-Officer ſhall break open any Houſe to ſearch for *Deſerters*, without *Warrant* from a Juſtice of Peace; and that every Commiſſion-Officer who ſhall, without *Warrant* from One or more of his Majeſties Juſtices of the Peace, (which ſaid *Warrant* the ſaid Juſtice or Juſtices are hereby Impowered to grant) forcibly enter into, or break open the Dwelling-Houſe or Out-Houſes of any Perſon whatſoever, under Pretence of ſearching for *Deſerters*, ſhall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

Provided alſo, That no Perſon or Perſons, being acquitted or convicted of any Capital Crimes, Violences, or Offences by the Civil Magiſtrate, ſhall be liable to be puniſhed by a *Court-Martial* for the ſame, otherwiſe than by Caſhiring.

Provided alſo, That if any Officer, Non Commiſſion Officer, or Soldier, ſhall be accuſed of any Capital Crime, or of any Violence or Offence againſt the Perſon, Eſtate, or Property of any of the Subjects of this Kingdom, which is puniſhable by the known Laws of the Land, the Commanding Officer or Officers of every Regiment, Troop, Company, or Party, is and are hereby required, upon Application made to the then Commanding Officer on Behalf of the Party injured, to uſe his utmoſt Endeavour to deliver over ſuch accuſed Perſon to the Civil Magiſtrate, and ſhall alſo be aiding and aſſiſting to the Officers of Juſtice in the ſeizing and apprehending ſuch Offender, in order to bring him to Tryal; and the Officer to whom ſuch Application ſhall be made, or any other Officer, ſhall not proceed to the Tryal of ſuch Offender or Offenders by

a *Court-Martial*, within the Space of Eight Days after the Offence committed, unleſs at the Deſire of the Perſon or Perſons injured; but after Eight Days expired, in Caſe the Perſon injured ſhall not, in that Time, have made any Application to ſuch Commanding Officer, nor proceeded to the Proſecution of ſuch Offender or Offenders before a Civil Court or Magiſtrate, and given Notice thereof to ſuch Commanding Officer, ſuch Offender or Offenders may be Try'd by a *Court Martial* for any of the ſaid Capital Crimes, Violences or Offences; And if any ſuch Commanding Officer ſhall wilfully neglect or refuſe, upon ſuch Application, as aforeſaid, to deliver over any ſuch Accuſed Perſon to the Civil Magiſtrate, or to be Aiding and Aſſiſting to the Officers of Juſtice in the Apprehending ſuch Offender, or ſhall proceed to the Tryal of any ſuch Offender by a *Court Martial*, within the ſpace of Eight Days after the Offence committed (unleſs at the Deſire of the Perſon injured) every ſuch Officer ſo offending, and being thereof Convicted before any Two or more Juſtices of the Peace, for the County where the Fact is Committed, by the Oath of Two Credible Witneſſes, ſhall be deemed and taken to be *ipſo facto* Caſhired, and ſhall be utterly diſabled to have or hold any Civil or Military Office or Employment within this Kingdom, or in his Majeſties Service.

Provided the ſaid Conviction be Affirmed at the next Quarter-Seſſions of the Peace for the ſaid County, and a Certificate thereof be tranſmitted to the Judge-Advocate, who is hereby obliged to certifie the ſame to the next *Court Martial*.

And be it further Enacted by the Authority aforeſaid, That if any *High-Conſtable*, *Conſtable*, *Beadle*, or other Officer or Perſon whatſoever, who by virtue or colour of this Act, ſhall Quarter or Billet, or be employed in Quartering or Billetting any Officers or Soldiers, ſhall Receive, Demand, Contract or Agree for any Sum or Sums of Money, or any Reward whatſoever, for or on Account of excuſing, or in order to excuſe any Perſon or Perſons whatſoever from Quartering or Receiving into his, her, or their Houſe or Houſes any ſuch Officer or Soldier; or in caſe any Victualler ſhall refuſe to receive any ſuch Officer and Soldier ſo Quartered or Billeted upon him or her, as aforeſaid, and ſhall be thereof Convicted by any one or more Juſtice or Juſtices of the Peace for the County, City, or Liberty within which ſuch offence ſhall be committed, either by his own Confeſſion, or by the Oath of one or more credible Witneſs or Witneſſes (which Oath the ſaid Juſtices are hereby impowered to Adminiſter) every ſuch *High-Conſtable*, *Conſtable*, *Beadle*, or other Of-

ficer or Perſon ſo offending, ſhall forfeit, for every ſuch Offence, the Sum of Five Pounds, or any Sum of Money not exceeding five Pounds, nor leſs than Forty Shillings, as the Juſtice or Juſtices before whom the Matter ſhall be heard, ſhall, in his or their Diſcretion, think fit, to be Levied by Diſtreſs and Sale of the Goods of the Perſons offending, by *Warrant* under the Hands and Seals of ſuch Juſtice or Juſtices before whom ſuch Offenders ſhall be Convicted, or one or more of them, to be directed to any other *Conſtable* within the County, City or Liberty, or to any of the *Overſeers* of the *Poor* of the *Pariſh* where ſuch Offender ſhall dwell; the ſaid Sum of Five Pounds, or the ſaid Sum not exceeding Five Pounds, not leſs than Forty Shillings when Levied, to be paid to the *Overſeers* of the *Poor* of the *Pariſh* wherein the Offence ſhall be Committed, or to ſome or one of them, for the Uſe of the *Poor* of the ſaid *Pariſh*.

And for the better preventing Abuſes in Quartering or Billeting of Soldiers in purſuance of this Act, be it further enacted by the Authority aforeſaid, that it ſhall and may be lawful to and for any one or more Juſtice or Juſtices of the Peace, within their reſpective Counties, Cities or Liberties, by *Warrant* or *Order* under his or their Hands and Seals, at any time or times during the Continuance of this Act, to Require and Command any *High-Conſtable*, *Conſtable*, *Beadle*, or other Officers, who ſhall Quarter or Billet any Soldiers in purſuance of this Act, to give an Account in Writing unto the ſaid Juſtice or Juſtices requiring the ſame, of the Number of the Officers and Soldiers who ſhall be Quartered or Billeted by them, and alſo of the Names of the Houſe-keepers or Perſons upon whom every ſuch Officer or Soldier ſhall be Quartered or Billeted, together with an Account of the Street or Place where every ſuch Houſe-keepers dwell, and of the Signs (if any) belonging to their Houſes; to the End it may appear to the ſaid Juſtice or Juſtices where ſuch Officers and Soldiers are Quartered or Billeted, and that he or they may thereby be the better enabled to prevent or puniſh all Abuſes in the Quartering or Billeting of them. [7. G.]

CHAP.

## CHAP. CXLIII.

### Papiſts.

ANY Two or more Juſtices of the Peace who ſhall know or ſuſpect any Perſon to be a *Papiſt*, or ſhall be ſo inform'd, to tender ſuch Perſon the Declaration in the 30. *Car.* 2. and if ſuch Perſon ſhall not ſubſcribe the ſaid Declaration, or ſhall refuſe to appear upon Notice left at his Place of Abode, by any Perſon authorized on that behalf, by Warrant under the Hands and Seals of the ſaid Juſtices, ſuch Perſon ſhall be liable to all the Penalties herein expreſſed, viz. their Names that Refuſe, ſhall be Certified by the ſaid Juſtices, to the next General Quarter-ſeſſions of the Peace, to be holden for the County.

No *Papiſt* ſhall keep in his Houſe or elſewhere at his Diſpoſition, any Arms, Weapons, Gun-powder or Ammunition (but ſuch as ſhall be allow'd him by the Quarter-Seſſions, for the Defence of his Houſe or Perſon) and any Two or more Juſtices of the Peace, may by their *Warrant* authorize any Perſon with the Aſſiſtance of the Conſtables (in the Day time) to ſearch the Houſes for Arms, &c. and ſeize the ſame for his Majeſties Uſe.

Every *Papiſt* or *Reputed Papiſt*, who ſhall not within Ten Days after ſuch Refuſal, diſcover and deliver to ſome Juſtice of the Peace, all Arms, Weapons, Gun-powder and Ammunition whatſoever, which he ſhall have in his Houſe, or elſewhere, or ſhall hinder any Perſons authorized to ſearch, as aforeſaid, ſhall be committed to the Common Goal, by a Warrant from any two Juſtices of the Peace, for Three Months, without Bail or Mainprize, and ſhall Forfeit the ſaid Arms, and pay treble the value of them to the King, to be appraized by the ſaid Juſtices.

No *Papiſt* or *Reputed Papiſt* ſhall, after his making ſuch Default, keep in his Poſſeſſion, or to his Uſe, any Horſe or Horſes above the Value of Five Pounds, to be Sold; and any Two Juſtices of the Peace may, by their Warrant, with the Aſſiſtance aforeſaid, ſearch for and ſeize Horſes above that Value for his Majeſties Uſe. Perſons concealing ſuch Horſes, or be aiding therein, ſhall be committed by the ſaid Juſtices to the Goal for Three Months, without Bail or Mainprize, and ſhall forfeit Treble the Value of the Horſes, to be ſettled as aforeſaid.

Such Perſons ſhall be diſabled to make any Preſentation, Collation, Nomination or Donation, or Grant of any Avoidance of any Benefice, or Eccleſiaſtical Living; nor any Perſon ſeiz'd of any Advowſon, Right of Preſentation, Collation, &c. to any Eccleſiaſtical Living, Free-School or Hoſpital, in truſt for any *Papiſt* or *Popiſh Recuſant* Convict, or diſabled according to the Firſt of King *James* I. ſhall be diſabled to preſent, nominate, or collate any Eccleſiaſtical Living, &c. or to grant any Avoidance thereof, but to be diſpos'd of as aforeſaid.

Provided, That the Chancellor and Scholars ſhall not preſent or nominate any Perſon that ſhall then have any Benefice, or Cure of Souls, that ſuch Preſentment ſhall be void.

Provided, That if any ſuch preſented, &c. ſhall be abſent from the ſame above Sixty Days in one Year, that ſuch Benefice ſhall be void. [ 1, *W. & M. C.* 15. ]

Enacted, That after the 25th of *March*, 1702, whoſoever ſhall apprehend a *Popiſh Biſhop*, *Prieſt*, or *Jeſuit*, and Convict him of ſaying Maſs, or exerciſing the Function of a *Popiſh Biſhop* or *Prieſt* within this Realm, ſhall have from the Sheriff of the County for every ſuch Conviction, One Hundred Pounds, to be paid within Four Months, upon tendering a Certificate from the Judge of the ſaid Conviction; and the Perſon claiming the ſame, in Caſe of Diſpute, the Judge is to Certifie to whom, and in what Manner the Reward ſhall be paid. Upon the Death or Removal of the Sheriff, the ſucceeding Sheriff muſt pay the ſaid Hundred Pounds, and the Sheriff making Default, ſhall forfeit Two Hundred Pounds.

Any *Popiſh Biſhop* who ſhall ſay Maſs, or exerciſe the Function aforeſaid, or *Prieſt* or *Jeſuit* that ſhall do the ſame, and *Papiſts* who ſhall keep Schools, or educate or board Youth within theſe Realms, or the Dominions thereunto belonging, and Convicted thereof, ſhall ſuffer perpetual Impriſonment within this Kingdom. And further, That after the 29th of *September*, 1700, Perſons educated in, or profeſſing the *Popiſh Religion*, who ſhall not within Six Months after they attain to the Age of Eighteen Years, take the Oaths of *Allegiance and Supremacy*, and ſubſcribe the Declaration of the 30th *Car.* 2, in the Courts of Chancery or King's-Bench, or Quarter-Seſſions, ſhall be diſabled (but not their Poſterity) to inherit or take in any wiſe, any Lands, Tenements, or Heriditaments within this Kingdom, and during ſuch Perſon's Life, until they ſhall take the ſaid Oaths, &c. And the next of Kin who ſhall

be

be a *Proteſtant*, ſhall have and enjoy the ſaid Lands, *&c.* without accounting for the Profits receiv'd; but not to commit willful Waſte.

After the 10*th* of *April*, 1709 no *Papiſt* ſhall purchaſe immediately or immediately any Lands, Tenements or Hereditaments within this Kingdom, or Profits out of the ſame, but all ſuch Purchaſes after the time aforeſaid, ſhall be void.

A *Proviſo*, for ſaying of Maſs, or Officiating as a *Prieſt* in the Dwelling-Houſe of any Foreign Miniſter, ſuch *Prieſt* not being the King's natural Born Subject, nor naturaliz'd in any of his Dominions, and his Name and Place, and Birth, and to whom belonging, being entred in the *Secretary's* Office. The whole Penalty of One Hundred Pounds, by the Act of the 3*d*. of *Jac.* I *C.* 5. on thoſe who ſend any Child, or Perſon under their Government, beyond Sea, to be educated in the *Romiſh Religion*, ſhall be to the ſole Uſe of thoſe who convict any Perſon ſo offending.

After the 25th of *March*, 1700, upon Complaint made to the *Lord Chancellor*, That the *Popiſh* Parents of *Proteſtant* Children, in order to compel them to change their Religion, ſhall refuſe to allow to ſuch Children a fitting Maintainance, ſuitable to their Degree and Ability, and the Age and Education of ſuch Children, the *Lord Chancellor* may take Order therein. [11. & 12. *W.* 3. *c.* 4.]

*See more of* Papiſts *under* Militia.

*Diſturbers of Preachers in their Divine Service or Sermon, ſee under* Religion.

*King* George's *Act of* Pardon, *commenced from the* 4*th of* July, Anno Dom. 1721.

## CHAP. CXLIV.

*Parchment.*

NO Perſon ſhall write on any Paper or Parchment Unſtampt, which ought to be Stampt by former Laws under the Penalty of Ten Pounds. [1. G.]

CHAP.

## CHAP. CLXV.

### *Partition of Lands.*

THREE Justices of the Peace ought to be present at the Under-Sheriff's executing a Writ of Partition, when the *High-Sheriff*, by Reason of Distance, Infirmity, or any other Hinderance, cannot be present. [8. & 9. *W.* 3. *Chap.* 31. *Sect.* 4.]

## CHAP. CLXVI.

### *Pedlars and Hawkers.*

BE it enacted, that after the 24*th* Day of *June*, 1698. to the the 24*th* of *June*, 1701. every *Hawker*, *Pedlar*, *Petty-Chapman*, or any other trading Person or Persons going from Town to Town, or to other Mens Houses, and Travelling either on Foot, or with Horse or Horses, or otherwise, except as is herein after excepted, carrying to Sell, or exposing to Sale, any Goods, Wares or Merchandizes, shall pay Four Pounds for each Year, and that every Person so Travelling with a Horse, Ass or Mule, or other Beast, bearing and drawing any Burthen, shall pay the Sum of Four Pounds, over and above (for each Year, that he or she shall so Travel) the said first mentioned Duty of Four Pounds.

And if any such *Hawker*, *Pedlar* or *Petty-Chapman*, from the said 24*th* Day of *June*, be found Trading as aforesaid, without or contrary to such Licence, such Person shall for every such Offence, Forfeit the Sum of Twelve Pounds, one Moiety to the Informer, and the other Moiety to the *Poor* of the *Parish*, where such Offender shall be discover'd.

If any Person so Trading, shall, upon Demand made by any Justice of the Peace, Mayor, Constable, or other Officer of any *Town-Corporate*, or *Borough*, where he or she shall so trade, shall refuse to shew such Licence as aforesaid, then the Person so refusing shall forfeit Five Pounds, to be paid to the *Church-wardens* of the Parish where such Demand shall be made, to the Use of the Poor of the same; and for Non-Payment thereof, shall suffer as a *Common Vagrant*, and be committed to the *House of Correction*.

And

And the Commiſſioners, or any Two of them, may grant a Licence, by them ſubſcribed, to every *Hawker*, *Pedlar*, *Petty-Chapman*, or any other trading Perſon, for him or her ſelf, or for any other ſo Travelling with One or more Horſes, Aſſes, or Mules, or other Beaſts, which he or ſhe ſhall travel with, as the Caſe ſhall require, One Shilling for a Foot Man, and Two Shillings for a Horſe &c. over and above the Duties aforeſaid, and no more.

If any Perſons whatſoever ſhall forge or counterfeit any Licence or Licences, or Trade with ſuch forg'd Licence or Licences, for the Uſes aforeſaid, ſhall forfeit Fifty Pounds, one Moiety to the King, and the other Moiety to him that ſhall proſecute or ſue for the ſame, in any of his Majeſty's Courts of Record at *Weſtminſter*, in which no Eſſoign, Protection, Wager of Law, or more than One Imparlance ſhall be allow'd; and ſhall be alſo ſubject to other Pains and Penalties as may be inflicted on Perſons for *Forgery*.

If any *Conſtable*, *Headborough*, or other Officer, as aforeſaid, ſhall refuſe or neglect, upon due Notice, or in his or their View, to be aiding or aſſiſting in the Execution of this Act, and Convicted thereof by One or more Witneſs or Witneſſes, before any Juſtice of the Peace of the County, or Place where ſuch Offence ſhall be committed, ſhall forfeit for every ſuch Offence Forty Shillings, to be levy'd by Diſtreſs and Sale of the Offenders Goods, by Warrant under the Hand and Seal of any ſuch Juſtice of the Peace; One Moiety to the *Poor of the Pariſh* where ſuch Offence ſhall be committed, and the other to the Informer.

And any perſon or perſons whatſoever, may ſeize and detain any ſuch *Hawker* or *Pedlar*, *Petty-Chapman*, or other trading perſon or perſons, as aforeſaid, until ſuch Time as he, ſhe, or they ſhall produce a Licence for that purpoſe, and if he, ſhe, or they ſhall be found Travelling without ſuch Licence as this Act directs, for ſuch reaſonable Time as he, ſhe, or they may give Notice to the Pariſh Officers, who are required to carry ſuch perſon or perſons before One of his Majeſties Juſtices of the Peace of the County or Place where the Offence ſhall be committed, who is hereby Authorized, upon Confeſſion of the Offender, or by the Oath of One Witneſs, by a Warrant under his Hand and Seal, to cauſe Twelve pounds to be levyed by Diſtreſs and Sale of the Offenders Goods, Wares or Merchandizes, returning the Overplus, reaſonable Charges for diſtraining being firſt deducted.

This Act doth not extend to prohibit any perſon from Selling of *Acts of Parliament*, *Forms of Prayer*, *Proclamations*, *Gazetts*, *Licenced Almanacks*,

*Almanacks*, or other printed Papers Licenſed by Authority, or any Fiſh, Fruit, or Victuals, nor any Makers of any Goods or Wares, or his or their Children, in *England*, *Wales*, or *Berwick* upon *Tweed*, or Agents or Servants to ſuch real Workers or Makers of ſuch Goods or Wares only, from carrying Abroad, expoſing to Sale, or ſelling any ſuch Goods or Wares of his or their own Making, in any publick Mart, Fairs, Markets, or elſewhere: Nor any *Tinkers*, *Coopers*, *Glaſiers*, *Plummers*, *Harneſs-Menders*, or other Perſons trading in mending of Kettles, Tubs, Houſhold Goods, or Harneſs whatſoever, from going about and carrying with him or them proper Materials for mending the ſame.

Provided, That this Act ſhall not extend to give any Power for Licenſing any *Hawker*, *Pedlar*, or *Petty Chapman* to ſell, or expoſe to Sale, any Wares or Merchandize in any City, Borough, or Town-Corporate, or Market-Town within this Realm, any otherwiſe than might have been done before the making of this Act. [9. & 10. *W.* 3.]

## CHAP. CLXVII.

### *Hawkers and Petty Chapmen.*

ENacted, That from and after the 24th of *June*, *Anno Dom.* 1705, every Perſon who (being actually Trading as an *Hawker*, *Pedlar*, or *Petty Chapman*, for which he or ſhe ought to have a Licence by the 12. of *W.* 3.) ſhall not upon Demand have his or their Licences ready to be produc'd, ſhall be adjudged to forfeit the ſame, as if ſuch Perſon had Traded without any Licence granted to him, or her, or them, and ſuch Perſon in ſuch Caſe, ſhall and may be committed, or Forfeiture recovered, and levy'd in ſuch Manner as by the former Act in Caſe of Trading without Licence. And that from the Firſt of *May*, 1705, in Caſe any Perſon ſhall Lend, or let out to Hire any Licence to him or her granted, the Perſon Lending, or letting out to Hire any ſuch Licence, and the Perſon trading under Colour of the ſame ſhall either of them forfeit Forty Pounds, One Moiety to the Queen, and the other Moiety to ſuch Perſon as ſhall Sue for the ſame in any of Her Majeſties Courts of Record, with full Coſts of Suit. And the Perſon Lending, or letting out to Hire ſuch Licence, ſhall forfeit the ſame.

No

No Perſon trading in Woollen or Linnen Manufactures of this Kingdom, and Selling the ſame Wholeſale, ſhall not be deemed or taken to be *Pedlars* within this Act; and ſuch Perſon or Perſons employ'd under to Sell by Wholeſale only, may carry abroad and expoſe to Sale ſuch Manufactures. [ 3. & 4. *A.* ]

## CHAP. CXLVIII.

*Pedlars.*

IT is [illegible] that no Perſon being a Maker, or Wholeſale [illegible] *English* Bone-lace, and Selling the ſame by Wholeſale, ſhall be adjudg'd to be a *Hawker*, *Pedlar* or *Petty-Chapman*, within the Acts for Licencing ſuch Perſons; and ſuch Perſons, and their Children, Apprentices, Servants and Agents (ſelling the ſame by Wholeſale only) may go from Houſe to Houſe, from Shop to Shop, to any of their Cuſtomers (who Sell it again by Wholeſale or Retail) without being Subject to any Penalties or Forfeitures contained in any of the Acts touching *Hawkers*, *Pedlars* and *Petty-Chapmen*. [4. *G.*]

## CHAP. CXLIX.

*Perjury.*

IT is enacted, that every Perſon or Perſons, that ſhall at any time hereafter unlawfully and corruptly procure any Witneſs or Witneſſes, by Letters, Rewards or Promiſes, or by any other ſiniſter or unlawful Means whatſoever, to commit any willful and corrupt *Perjury*, in any Matter or Cauſe whatſoever, now depending, or which ſhall hereafter depend, in any Suit, by any Writ, Action, Bill, Complaint or Information, touching any Lands, &c. or any Goods, Chattels, Debts or Damages, in any of the King's Courts of Chancery, Star-Chamber, or any other Courts within the Kingdom of *England*, or Dominion of *Wales*, or in any of her Majeſties Courts of Record, in any Leet, View of Franchiſe, or Law-Day, Antient Demean Court, Hundred Court, Court Baron, or to Teſtifie *in perpetuam Rei Memoriam*, then every

 ſuch

ſuch Perſon being thereof Lawfully Convicted, ſhall forfeit Forty Pounds. For Want of Forty Pounds, ſhall ſuffer Impriſonment Half a Year, without Bail or Mainprize, and to ſtand upon the Pillory on a Market-Day, in ſome Market-Town, for One Hour, near or where the Offence was committed. And that no ſuch Perſon ſhall be received as a Witneſs in any Court of Record.

If any Perſon ſhall by Subordination, unlawful Procurement, Miniſter Perſwaſions, or by his own Act, Conſent or Agreement, wilfully and corruptly commit any Manner of *Perjury* by his Depoſition, in any of the Courts aforeſaid, or being examined *ad perpetuam Rei Memoriam*, then every ſuch Perſon ſhall forfeit Twenty Pounds, and be impriſon'd Six Months, without Bail or Mainprize; and ſuch Perſon's Oath ſhall not be received in any of the King's Courts of Record. And for Want of Goods to the Value of Twenty Pounds, then he or they ſhall be ſet on the Pillory in ſome Market-place, within the Shire, City, or Borough, where the Offence was committed, by the Sheriff or his Officers, or by the Head Officer of any City or Town, there to have both his Ears nailed, and from thence to be diſabled for ever to be ſworn in any of his Majeſty's Courts of Record, as aforeſaid; One Moiety of all which Sums ſhall go to the Queen, and the other Moiety to the Perſon grieved thereby. Judges of all ſuch Courts where ſuch Action ſhall be, and Juſtices of Aſſize and Goal-Delivery in their Circuits, and Juſtices of the Peace within their Counties, at their Quarter-Seſſions, have Power to enquire of the Offences committed againſt this Act, by Preſentment, Bill or Information exhibited, and to hear and determine the ſame; and to give Judgement, Award, Proceſs, and Execution of the ſame, according to the Laws of this Realm. This ſhall not extend to any Eccleſiaſtical Court. [5. *Eliz.* C. 9.] *5. f. 376.*

*By the 29th of E. made perpetual.*

## CHAP. CL.

### *Pilchards.*

BY One Juſtice, Suſpicious Perſons flocking together about the Boats, Nets and Cellars belonging to the *Pilchard* Trade, upon the Coaſt of *Cornwall* and *Devon*, being warned to be gone, and

and refuſing ſo to do, may by his Warrant order them to pay Five Shillings to the Poor of the Pariſh, or to be ſet in the Stocks. [13. & 14. *Car.* 2. C. 28.] Warning to be by the Company of Boats and Cellars.

*Pigeon*, ſee *Game*, 4. & 5. *W.* & *M.*

*Pewter*, ſee *Braſs*.

*Plague*, ſee *Quarentine*.

## CHAP. CLI.

### *Poor.*

JUſtices of the Peace in Quarter Seſſions, may examine all Labourers, and Maſters and Servants, and Artificers, on their Oaths, for all Things by them done againſt any Statutes or Ordinances, and puniſh them as if they were Convict by Inqueſt. [2. *H.* 5. C.]

## CHAP. CLII.

*A Repeal of ſo much of former Statutes, as concern the Hiring, Keeping, Departing, Working, or Order of Servants, Labourers, &c. And a Declaration who ſhall be compellable to ſerve in Handicrafts, and who in Huſbandry, and their ſeveral Duties, &c.*

BE it enacted by the Authority of this preſent Parliament, that as much of all the Eſtatutes heretofore made, and every Branch of them, as touch or concern the Hiring, Keeping, Departing, Working, Wages, or Order of *Servants*, *Workmen*, *Artificers*, *Apprentices* and *Labourers*, or any of them, and the Penalties and Forfeitures concerning the ſame, ſhall be from and after the laſt Day of *September* next enſuing, repealed and utterly Void and of none Effect, and that all the ſaid Statutes, and every Branch thereof, or any Matter contained in them and not repealed by this Statute, ſhall remain and be in full Force and Effect: Any thing in this Statute to the contrary notwithſtanding.

And be it further enacted by the Authority aforesaid, Th
manner of Person or Persons, after the foresaid last Day of *Sept*
now next ensuing, shall retain, hire or take into Service, or
to be retained or hired, or taken into Service, nor any Person
be retained, hired or taken into Service, by any Means or Co
to work for any less Time or Term then for one whole Yea
any of the *Sciences*, *Crafts*, *Mysteries*, or *Arts of Clothiers*, *Wo
Cloth Weavers*, *Tuckers*, *Fullers*, *Cloth-workers*, *Shermen*, *Dyers*,
fiers*, *Taylors*, *Shoe-Makers*, *Tanners*, *Pewterers*, *Bakers*, *Bre
Glovers*, *Cutlers*, *Smiths*, *Farriers*, *Curriers*, *Sadlers*, *Spurriers*,
ners*, *Cappers*, *Hatmakers* or *Feltmakers*, *Bowyers*, *Fletchers*, *A
Head-Makers*, *Butchers*, *Cooks* or *Millers*.

And be it further enacted, That every Person being unmar
and every other Person being under the Age of Thirty Years,
after the Feast of *Easter* next shall Marry, and having been bro
up in any of the said *Arts*, *Crafts* or *Sciences*, or that hath used
ercised any of them by the space of Three Years or more, and
having Lands, Tenements, Rents or Hereditaments, Copyhol
Freehold, of one Estate of Inheritance, or for Term of any Li
Lives, of clear Yearly Value of Forty Shillings, nor being wor
his own Goods the clear Value of Ten Pounds, and so allowe
two Justices of the Peace of the County where he hath most com
ly inhabited by the space of one whole Year, and under their H
and Seals, or by the Mayor, or other Head-Officer of the City,
rough, or Town-Corporate, where such Person hath most comm
dwelt by the space of one whole Year, and two *Aldermen*, or
other discreet *Burgesses* of the same City, Borough, or Town Co
rate, if there be no *Alderman*, under their Hands and Seals, no
ing retained with any Person in Husbandry, or in any of the a
said Arts or Sciences, according to this Statute, nor lawfully
tained in other Art or Science, nor being lawfully retained in
hold, or in any Office, with any Nobleman, Gentleman, or ot
according to the Laws of this Realm, nor have a convenient F
or other holding in Tillage, whereupon he may imploy his Lab
shall (during the time that he or they shall so be unmarried
under the Age of Thirty Years, upon Request made by any Pe
using the *Art* or *Mistery*, wherein the said Person so required
been exercised, as is aforesaid) be retained, and shall not refu
serve according to the Tenor of this Statute, upon the Pains
Penalty hereafter mentioned.

And be it further enacted, that no Perſon which ſhall retain any Servant, ſhall put away his or her ſaid Servant; and that no Perſon retained according to this Statute, ſhall depart from his *Maſter*, *Miſtreſs* or *Dame*, before the End of his or her Term, upon the pain hereafter mentioned, unleſs it be for ſome reaſonable and ſufficient Cauſe or Matter, to be allowed before two Juſtices of the Peace, or one at the leaſt, within the ſaid County, or before the Mayor or other Chief Officer of the City, Borough, or Town-Corporate, wherein the ſaid *Maſter*, *Miſtreſs* or *Dame* inhabiteth, to whom any of the Parties grieved ſhall complain. Which ſaid Juſtices or Juſtice, Mayor or Chief Officer, ſhall have and take upon them or him, the hearing and ordering of the Matter, betwixt the ſaid *Maſter*, *Miſtreſs* or *Dame*, and *Servant*, according to the Equity of the Cauſe.

And that no ſuch *Maſter*, *Miſtreſs* or *Dame*, ſhall put away any ſuch *Servant* at the End of his Term, or that any ſuch *Servant* ſhall depart from his *Maſter*, *Miſtreſs* or *Dame*, at the End of his Terme, without one Quarters warning given before the End of the ſaid Term, either by the ſaid *Maſter*, *Miſtreſs*, or *Dame*, or *Servant*, the one to the other, upon the Pain hereafter enſuing.

And be it further enacted by the Authority aforeſaid, that every Perſon between the Age of Twelve Years, and the Age of Forty Years, not being lawfully retained, nor *Apprentice* with any *Fiſherman* or *Mariner* haunting the Seas, nor being in Service with any *Kidder* or *Carrier* of any *Corn*, *Grain* or *Meal*, for Proviſion of the City of *London*, nor with any Huſbandman in Huſbandry, nor in any City, Town-Corporate or Market-Town, in any of the Arts or Sciences limited or appointed by this Eſtatute to have or take Apprentices, nor being retained by the Year, or half the Year at the leaſt, for the digging, ſeeking, finding, getting, melting, fining, working, trying, making of any *Silver*, *Tinn*, *Lead*, *Iron*, *Copper*, *Stone*, *Sea-Coal*, *Stone-Coal*, *Moor-Coal*, or *Cherk Coal*, nor being occupied in or about the making of any Glaſs, nor being a Gentleman Born, nor being a Student or Scholar in any of the *Univerſities*, or in any School, nor having Lands, Tenements Rents or Hereditaments, for Term of Life, or of one Eſtate of Inheritance, of the clear Yearly Value of Forty Shillings, nor being worth in Goods and Chattels to the Value of Ten Pounds, nor having a Father or Mother then living, or other Anceſtor whoſe Heir apparent he is, then having Lands, Tenements or Hereditaments, of the Yearly Value of Ten Pound, or above, or Goods or Chattels of the Value of Forty Pound, nor being a neceſſary or convenient Officer or Ser-

vant

vant lawfully retained as is aforeſaid, nor having a convenient Farm or Holding, whereupon he may or ſhall imploy his Labour, nor being otherwiſe lawfully retained, according to the true meaning of this Statute; ſhall after the foreſaid laſt Day of *September* now next enſuing, by virtue of this Statute be compelled to be retained to ſerve in Huſbandry by the Year, with any Perſon that keepeth Huſbandry, and will require any ſuch Perſon ſo to ſerve, within the ſame Shire where he ſhall be ſo required.

And be it further Enacted by the Authority of this preſent Parliament, That if any Perſon after he hath retained any Servant, ſhall put away the ſame Servant before the End of his Term, unleſs it be for ſome reaſonable and ſufficient Cauſe, to be allowed as is aforeſaid: Or if any ſuch *Maſter*, *Miſtreſs* or *Dame*, ſhall put away any ſuch Servant at the End of his Term, without one Quarter's Warning given before the ſaid End as is above remembred, that then every ſuch *Maſter*, *Miſtreſs* or *Dame*, ſo offending, unleſs he or they be able to prove by Two ſufficient Witneſſes ſuch reaſonable and ſufficient Cauſe of putting away of their Servant or Servants, during their Term, or a Quarter's Warning given before the End of the ſaid Term, as is aforeſaid, before the Juſtices of *Oyer* and *Terminer*, Juſtices of Aſſize, Juſtices of Peace in the Quarter-Seſſions, or before the *Mayor* or other *Head-Officer* of any City, Borough, or Town-Corporate, and Two *Aldermen*, or Two other diſcreet *Burgeſſes* of the ſame City, Borough, or Town-Corporate, if there be no *Aldermen*, or before the Lord Preſident and Counſel eſtabliſhed in the *Marches* of *Wales*, or before the Lord Preſident and Counſel for the Time being eſtabliſhed in the *North* Parts, ſhall forfeit the Sum of Ten Pounds.

And if any Servant, retained according to the Form of this Eſtatute, depart from his *Maſter*, *Miſtreſs* or *Dame*'s Service before the End of his Term, unleſs it be for ſome reaſonable and ſufficient Cauſe, to be allowed as is aforeſaid; or if any Servant at the End of his Term depart from his ſaid *Maſter*, *Miſtreſs*, or *Dame*'s Service, without one Quarter's Warning given before the End of his ſaid Term, in form aforeſaid, and before two lawful Witneſſes: Or if any Perſon or Perſons compellable and bounden to be Retainers, and to ſerve in Huſbandry, or in any other the Arts, Sciences or Miſteries above remembred, by the Year or otherwiſe, do (upon Requeſt made) refuſe to ſerve for the Wages that ſhall be limited, rated and appointed, according to the Form of this Statute: Or Promiſe or Covenant to ſerve, and do not ſerve according to the Tenour of

the

the ſame: that then every ſuch Servant, ſo departing away, and every Perſon ſo refuſing to ſerve for ſuch Wages, upon Complaint thereof made by the *Maſter*, *Miſtreſs* or *Dame* of the ſaid Servant, or by the Party to or with whom the ſaid Refuſal is made, or Promiſe not kept, to two Juſtices of Peace of the County, or to the *Mayor* or other Head-Officer, of the City, Borough, Town-Corporate, and two *Aldermen*, or two other diſcreet *Burgeſſes* of the ſame City, Borough or Town-corporate, if there be no *Aldermen*, where the ſaid *Maſter*, *Miſtreſs* or *Dame*, or the ſaid Party to or with whom the ſaid Refuſal is made and Promiſe not kept, dwelleth, or to either of the ſaid Lords Preſidents and Counſel of *Wales*, and the *North*, the ſaid Juſtices, Lords Preſidents and Counſel, and alſo the ſaid *Mayors* or other Head-Officers, and other Perſons of Cities, Boroughs, or Towns-Corporate, or any of them as is aforeſaid, ſhall have Power by Force of this Statute, to hear and examine the Matter, and finding the ſaid Servant, or the ſaid Party ſo refuſing, Faulty in the Premiſes, upon ſuch Proofs and good Matter as to their Diſcretions ſhall be thought ſufficient, to commit him or them to Ward, there to remain without Bail or Mainprize, until the ſaid Servant or Party ſo offending, ſhall be bound to the Party to whom the Offence ſhall be made, to ſerve and continue with him for the Wages that then ſhall be limited and appointed, according to the Tenour and Form of this Eſtatute, and to be diſcharged upon his Delivery, without paying any Fee to the Goaler where he or they ſhall be ſo Impriſoned.

And be it likewiſe Enacted by the Authority aforeſaid, That none of the ſaid retained Perſons in Huſbandry, or in any the Arts and Sciences above remembred, after the Time of his Retainour expired, ſhall depart forth of one City, Town or Pariſh, to another, nor out of the Lath, Rape, Wapentake or Hundred, nor out of the County or Shire, where he laſt ſerved, to ſerve in any other City, Town-Corporate, Lath, Rape, Wapentake, Hundred, Shire or County, unleſs he have a Teſtimonial under the Seal of the ſaid City, or Town-Corporate, or of the Conſtable or Conſtables, or other Head-Officer or Officers, and of Two other honeſt Houſholders of the City, Town or Pariſh, where he laſt ſerved, declaring his lawful Departure, and the Name of the Shire and Place where he dwelled laſt before his Departure. Which Certificate or Teſtimonial ſhall be written and delivered unto the ſaid Servant, and alſo Regiſtred by the Parſon, Vicar, or Curate of the Pariſh, where ſuch *Maſter*, *Miſtreſs*, or *Dame*, doth or ſhall dwell, taking for the doing thereof Two-pence and not above.

And

And be it alſo Enacted by the Authority aforeſaid, That every *Artificer* and *Labourer*, that ſhall be Lawfully retained in or for the building or repairing of any *Church*, *Houſe*, *Ship*, *Mill*, or every other Piece of Work taken in Great, in Taſk, or in Groſs, or that ſhall hereafter take upon him to make or finiſh any ſuch Thing or Work, ſhall continue and not depart from the ſame, unleſs it be for not paying of his Wages, or Hire agreed on, or otherwiſe lawfully taken or appointed to ſerve the Queen's Majeſty, her Heirs or Succeſſors, or for other lawful Cauſe, or without Licence of the Maſter, or Owner of the Work, or of him that hath the Charge thereof, before the finiſhing of the ſaid Work, upon Pain of Impriſonment by One Month without Bail or Mainprize, and the Forfeiture of the Sum of Five Pounds to the Party from whom he ſhall ſo depart, for the which the ſaid Party may have his Action of Debt againſt him that ſhall ſo depart, in any of the Queen's Majeſties Courts of Record, over and beſides ſuch ordinary Coſts and Damages, as may or ought to be recovered by the Common Laws, for or concerning any ſuch Offence. In which Action, no Protection, Wager of Law, or Eſſoign ſhall be admitted.

And that no *Artificer* or *Labourer* retained in any Service to work with the Queen's Majeſty, or any other Perſon, depart not from her ſaid Majeſty, or from the ſaid other Perſon, until ſuch Time as the Work be finiſhed, if the Perſon ſo retaining the *Artificer* or *Labourer* ſo long will have him, and pay him his Wages or other Duties, upon pain of Impriſonment of every Perſon ſo departing, by the Space of one Month.

Juſtices of the Peace ſhall Yearly at every General Seſſions firſt to be holden and kept after *Eaſter*, or at ſome Time convenient, within Six Weeks next following every of the ſaid Feaſts of *Eaſter*, aſſemble themſelves together, and they (ſo aſſembled) calling unto them ſuch diſcreet and grave Perſons of the ſaid County, or of the ſaid City or Town-Corporate, as they ſhall think meet, and conferring together, reſpecting the Plenty or Scarcity of the Time, and other Circumſtances neceſſarily to be conſidered, ſhall have Authority by Vertue hereof, within the Limits and Precincts of their ſeveral Commiſſions, to Limit, Rate and Appoint the Wages, as well of ſuch and ſo many of the ſaid *Artificers*, *Handicraftſmen*, *Husbandmen*, or any other *Labourer*, *Servant*, or *Workman*, whoſe Wages in time paſt hath been by any Law or Statute Rated and Appointed, as alſo the Wages of all other *Labourers*, *Artificers*, *Workmen*, or *Apprentices of Husbandry*, which have not been Rated,

as

as they the ſame *Juſtices*, *Mayor* or *Head-Officers* within their ſeveral Commiſſions or Liberties, ſhall think meet by their Diſcretions to be rated, limited or appointed by the Year, or by the Day, Week, Month, or otherwiſe, with Meat and Drink, or without Meat and Drink, and what Wages every *Workman* or *Labourer* ſhall take by the Great, for *Mowing*, *Reaping*, or *Threſhing* of *Corn* and *Grain*, or for *mowing* or *making* of *Hay*, or for *Ditching*, *Paving*, *Railing*, or *Hedging* by the *Rod*, *Pearch*, *Lugg*, *Yard*, *Pole*, *Rope* or *Foot*, or for any other kind of Reaſonable Labour or Service.

And if the ſaid *Sheriffs*, *Juſtices of Peace*, or the *Mayor* and *Head-Officer*, ſhall at their ſaid general Seſſions, or at any time after, within ſix Weeks then following, upon their Aſſembly and Conference together, think it convenient to retain and keep for the Year then to come, the Rates and Proportions of Wages that they certified the Year before, or to Change or Reform them, or ſome part of them: Then they ſhall before the ſaid Twelfth Day of *July* Yearly certifie into the ſaid *Court of Chancery*, their Reſolutions and Determinations therein, to the intent that *Proclamations* may accordingly be renewed and ſent down. And if it ſhall happen that there be no need of any Reformation or Alteration of the Rates of the ſaid Wages, but that the former ſhall be thought meet to be continued: then the *Proclamations* for the Year paſt, ſhall remain in Force until new *Proclamations* upon new Rates concerning the ſaid Wages, ſhall be ſent down according to the Form of this Eſtatute.

And be it further Enacted by the Authority of this preſent Parliament, That if all the ſaid Juſtices of Peace reſiant within the Counties where they are or ſhall be *Juſtices of Peace*, *Mayors* and *Head-Officers*, do not before the 10th Day of *June* next coming, and afterward Yearly appear and aſſemble at the ſaid General Seſſions, or within Six Weeks next after the ſaid General Seſſions, and Limit and Rate the Wages of the ſaid *Servants* and *Labourers*, or ſhall not conſider whether the former Rates made, be meet to be continued, or to be altered and reformed in Manner and Form aforeſaid, or be negligent or remiſs in the Certificate thereof, that then every *Juſtice of Peace* of the County, and every *Mayor* and *Head-Officers* of the City, or Town-Corporate, in whom any ſuch Default or Negligence ſhall be found, being within the ſaid County, City or Town-Corporate, at the Time of the ſaid next Aſſembly, or at the Time of the ſaid Seſſions, or at the Times of the ſaid Seſſions, or at the Times of the ſaid Rates of Wages to be ſet, within Six Weeks next after every ſuch Seſſions, and not viſited with any ſuch Sickneſs as

he could not travel thither without Peril and Danger of his Life, or not having any other lawful and good Excuſe, to be allowed by the Juſtices then aſſembled for the Rating and Taxing of Wages, as is aforeſaid, or by the more Part of them, upon a Corporal Oath and *Affidavit*, to be taken and made openly before the ſaid Juſtices upon the *Holy Evangeliſts* by ſome Credible Perſon, aſſeſſed and taxed in the Book of Subſidy of that County, to the clear Value of Five Pounds at the leaſt, or by ſuch other Perſon as the moſt Part of ſuch Juſtices ſhall allow and accept to take ſuch Oath, ſhall for ſuch Default or Negligence forfeit unto the Queen's Majeſty, her Heirs and Succeſſors, Ten Pounds of Lawful Money of *England*.

And be it further Enacted by the Authority aforeſaid, that if any Perſon, after the ſaid *Proclamation* ſhall be ſo ſent down and publiſhed, ſhall by any ſecret ways or means, directly or indirectly, Retain or Keep any *Servant*, *Workman* or *Labourer*, or ſhall give any more or greater Wages, or other Commodity, contrary to the true meaning and purport of this Eſtatute, or contrary to the Rates or Wages that ſhall be aſſeſſed and appointed in the ſaid *Proclamations*: that then every Perſon that ſhall ſo offend, and be thereof lawfully convicted before any the *Juſtices*, or other *Head-Officers* above remembred, or either of the ſaid Preſidents and Councels, ſhall ſuffer Impriſonment by the Space of Ten Days, without Bail or Mainprize, and ſhall loſe and forfeit Five Pounds of lawful Money of *England*.

And that every Perſon that ſhall be ſo retained and take Wages, contrary to this Eſtatute, or any Branch thereof, or of the ſaid *Proclamation*, and ſhall be thereof convicted before the Juſtices aforeſaid, or any two of them, or before the *Mayor* or other *Head-Officers* aforeſaid, ſhall ſuffer Impriſonment by the Space of One and Twenty Days, without Bail or Mainprize.

And that every Retainer, Promiſe, Gift or Payment of Wages, or other thing whatſoever, contrary to the true meaning of this Eſtatute, and every Writing and Bond to be made for that purpoſe ſhall be utterly Void, and of none Effect.

And be it Enacted by the Authority aforeſaid, That if any *Servant*, *Workman* or *Labourer*, ſhall wilfully or maliciouſly make any Aſſault or Affray, upon his *Maſter*, *Miſtreſs*, or *Dame*, or upon any other that ſhall at the Time of ſuch Aſſault or Affray, have the Charge or Overſight of any ſuch *Servant*, *Workman* or *Labourer*, or of the Work wherein the *Servant*, *Workman* or *Labourer* is appointed or hired to work, and being thereof Convicted before any Two of the *Juſtices*, *Mayor*, or other *Head-Officer* aforeſaid, where the ſaid Offence

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is committed, or before either of the ſaid Lords Preſidents and Counſel before remembred, by Confeſſion of the ſaid *Servant, Workman* or *Labourer*, or by the Teſtimony, Witneſs, and Oath of Two honeſt Men; that then every ſuch Offender ſhall ſuffer Impriſonment by the ſpace of one whole Year, or leſs, by the Diſcretion of Two Juſtices of Peace, if it be without a Town-Corporate, and if it be within any Town-Corporate, then by the Diſcretion of the *Mayor* or *Head-Officer* of the ſame Town-Corporate, with Two others of the diſcreeteſt Perſons of the ſame Corporation, at the leaſt.

And if the Offence ſhall require further Puniſhment, then to receive ſuch other open Puniſhment, ſo as it extend not to Life or Limb, as the Juſtices of Peace in open Seſſions, or as the more part of them, or the ſaid *Mayor* or *Head-Officer*, and Six or Four at the leaſt of the diſcreeteſt Perſons of the ſame *Corporation*, before whom the Offence ſhall be examined, ſhall think convenient for the Quality of the ſaid Offence ſo done or committed.

Provided always, and be it enacted by the Authority aforeſaid, that in the Time of Hay or Corn Harveſt, the Juſtices of Peace, and every of them, and alſo the Conſtable or other Head-Officer of every Townſhip, upon Requeſt, and for the avoiding of the Loſs of any Corn, Grain or Hay, ſhall and may cauſe all ſuch *Artificers* and *Perſons* as be meet to Labour, by the Diſcretions of the ſaid Juſtices or Conſtables, or other Head-Officers, or by any of them, to ſerve by the Day, for the mowing, reaping, ſhearing, getting or inning of Corn, Grain and Hay, according to the Skill and Quality of the Perſon, and that none of the ſaid Perſons ſhall refuſe to do upon pain to ſuffer Impriſonment in the Stocks, by the Space of Two Days and one Night. And the Conſtable of the Town, or other Head-Officer of the ſame, where the ſaid Refuſal ſhall be made, upon complaint to him made, ſhall have Authority by Vertue hereof, to ſet the ſaid Offender in the Stocks for the time aforeſaid, and ſhall puniſh him accordingly, upon pain to loſe and forfeit for not doing thereof, the Sum of Forty Shillings.

Provided alſo, that all Perſons of the Counties where they have accuſtomed to go into other Shires, for Harveſt Work, and having at that Time no Harveſt Work ſufficient in the ſame Town nor County where he or they dwelt in the Winter then laſt paſt, bringing with him or them a Teſtimonial under the Hand and Seal of One Juſtice of the Peace of the Shire, or other Head-Officer of the Town or Place that he or they come from, teſtifying the ſame, for the which he ſhall pay not above One Penny (other than ſuch

Perſons as ſhall be retained in Service according to the Form of this Eſtatute) may repair and reſort in Harveſt of Hay or Corn, from the Counties wherein their Dwelling Places are, into any other Place or County, for the only mowing, reaping, and getting of Hay, Corn, or Grain, and for the only working of Harveſt Works, as they might have done before the making of this Eſtatute; any thing herein contained to the contrary notwithſtanding.

And be it further enacted by the Authority aforeſaid, that Two *Juſtices* of *Peace*, the *Mayor* or other *Head-Officer* of any City, Borough or Town-Corporate, and Two *Aldermen*, or Two other diſcreet *Burgeſſes* of the ſame City, Borough or Town-Corporate, if there be no *Aldermen*, ſhall and may by Virtue hereof, appoint any ſuch Women as is of the Age of Twelve Years, and under the Age of Forty Years, and unmarried, and forth of Service, as they ſhall think meet to ſerve, to be retained or ſerve by the Year, or by the Week or Day, for ſuch Wages, and in ſuch reaſonable Sort and Manner as they ſhall think meet, and if any ſuch Woman ſhall refuſe ſo to ſerve, then it ſhall be lawful for the ſaid *Juſtices* of *Peace*, *Mayor* or *Head-Officers*, to commit ſuch Woman to ward, until ſhe be bounden to ſerve as is aforeſaid.

And for the better Advancement of *Husbandry* and *Tillage*, and to the Intent that ſuch as are fit to be made *Apprentices* to *Husbandry*, may be bounden thereunto: Be it enacted by the Authority of this preſent Parliament, that every Perſon being an Houſholder, and having and uſing half a Plough-Land at the leaſt in Tillage, may have and receive to an *Apprentice* any Perſon above the Age of Ten Years, and under the Age of Eighteen Years, to ſerve in *Husbandry*, until his Age of One and Twenty Years at the leaſt, or until the Age of Twenty Four Years, as the Parties can agree, and the ſaid Retainer and taking of an *Apprentice*, to be made and done by *Indenture*.

And be it further Enacted, that every Perſon being an Houſholder, and Twenty Four Years old at the leaſt, dwelling or inhabiting, or which ſhall dwell and inhabite in any City, or Town-Corporate, and uſing and exerciſing any *Art*, *Miſtery*, or *manual Occupation* there, ſhall and may after the Feaſt of St. *John* Baptiſt next coming, during the Time that he ſhall ſo dwell or inhabite in any ſuch City or Town-Corporate, and uſe and exerciſe any ſuch *Art*, *Miſtery*, or *manual Occupation*, have and retain the Son of any *Freeman*, not occupying *Husbandry*, nor being a *Labourer*, and inhabiting in the ſame, or in any other City or Town that now is, or hereafter ſhall

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be, and continue Incorporate, to ſerve and be bound as an *Apprentice*, after the Cuſtom and Order of the City of *London*, for ſeven Years at the leaſt, ſo as the Term and Years of ſuch *Apprentice* do not expire or determine, afore ſuch *Apprentice* ſhall be of the Age of Twenty Four Years at the leaſt.

And be it further enacted, that from and after the ſaid Feaſt, it ſhall be lawful to any Perſon, uſing or exerciſing the *Art* or *Occupation* of a *Smith*, *Wheelwright*, *Ploughwright*, *Millwright*, *Carpenter*, *Rough-maſon*, *Plaſterer*, *Sawyer*, *Lime-burner*, *Brick-maker*, *Brick-layer*, *Tyler*, *Slater*, *Helier*, *Tyle-maker*, *Linnen-Weaver*, *Turner*, *Cowper*, *Miller*, *Earthen-Potters*, *Woollen Weaver*, *Weaving Huſwifes*, or *Houſhold Cloth* only, and none other Cloth; *Fuller*, otherwiſe called *Tucker* or *Walker*, *Burner of Oare and Wood-Aſhes*, *Thatcher*, or *Shingler*, whereſoever he or they ſhall dwell or inhabite, to have or receive the Son of any Perſon, as *Apprentice*, in Manner and Form aforeſaid, to be taught and inſtructed in theſe Occupations only, and in none other, albeit the Father or Mother of any ſuch *Apprentice* have not any Lands, Tenements, or Heriditaments.

And be it further Enacted by the Authority aforeſaid, That after the Firſt Day of *May* next coming, it ſhall not be Lawful to any Perſon or Perſons, other than ſuch as now do Lawfully uſe or exercile any *Art*, *Miſtery*, or *manual Occupation*, to ſet up, occupy, uſe, or exerciſe any *Craft*, *Miſtery*, or *Occupation*, now uſed or occupied within the Realm of *England* or *Wales*, except he ſhall have been brought up therein Seven Years at the leaſt as *Apprentice*, in Manner and Form aboveſaid, nor to ſet any Perſon on Work in ſuch *Miſtery*, *Art*, or *Occupation*, being not a Workman at this Day, except he ſhall have been *Apprentice* as is aforeſaid, or elſe having ſerved as an *Apprentice*, as is aforeſaid, ſhall or will become a *Journeyman*, or hired by the Year, upon pain that every Perſon willingly offending or doing the contrary, ſhall forfeit and loſe for every Default, Forty Shillings for every Month.

And be it further enacted, That if any Perſon ſhall be required by any Houſholder, having and uſing half a Plough-Land at the leaſt in Tillage, to be an *Apprentice*, and to ſerve in *Husbandry*, or in any other kind of *Art*, *Miſtery* or *Science* before expreſſed, and ſhall refuſe ſo to do: that then, upon complaint of ſuch Houſe keeper made to one Juſtice of the Peace of the County where the ſaid Refuſal is or ſhall be made, or of ſuch Houſholder inhabiting in any City Town Corporate or Market-Town, to the Mayor, Bailiffs or Head-Officer of the ſaid City, Town-Corporate, or Market-Town, if any ſuch

such Refusal shall there be, they shall have full Power and Authority by Vertue hereof, to send for the same Person so refusing. And if the said Justice, or the said Mayor or Head Officer, shall think the said Person meet and convenient to serve as an *Apprentice* in that *Art*, *Labour*, *Science* or *Mistery*, wherein he shall by so then required to serve; that then the said Justice, or the said Mayor or Head Officer, shall have Power and Authority, by Vertue hereof, if the said Person refuse to be bound as an *Apprentice*, to commit him unto Ward, there to remain until he be contented, and will be bounden to serve as an *Apprentice* should serve, according to the true Intent and Meaning of this present Act.

And if any such *Master* shall misuse or evil intreat his *Apprentice*, or that the said *Apprentice* shall have any just Cause to complain, or the *Apprentice* do not his Duty to his *Master*; then the said *Master* or *Apprentice* being grieved, and having Cause to complain, shall repair unto One Justice of Peace within the said County, or to the Mayor or other Head-Officer of the City, Town-Corporate, Market-Town, or other Place, where the said *Master* dwelleth, who shall by his Wisdom and Discretion take such Order and Direction between the said *Master* and his *Apprentice*, as the Equity of the Cause shall require. And if for want of good Conformity in the said *Master*, the said Justice of Peace, or the said Mayor or Head-Officer, cannot compound and agree the Matter between him and his *Apprentice*, then the said Justice, or the said Mayor or other Head-Officer, shall take Bond of the said *Master* to appear at the next Sessions, then to be holden in the said County, or within the said City, Town-Corporate, or Market-Town, to be before the Justices of the said County, or the Mayor or Head-Officer of the said Town Corporate or Market-Town, if the said *Master* dwell within any such, and upon his Appearance and hearing of the Matter before the said Justices, or the said Mayor, or other Head-Officer, if it be thought meet unto them, to discharge the said *Apprentice* of his Apprenticehood, that then the said Justices, or Four of them at the least, whereof One to be of the *Quorum*, or the said Mayor or other Head-Officer, with the Consent of Three other of his Brethren, or Men of best Reputation within the said City, Town Corporate, or Market-Town, shall have Power by Authority hereof, in Writing under their Hands and Seals, to pronounce and declare that they have discharged the said *Apprentice* of his Apprenticehood, and the Cause thereof; and the said Writing so being made and enrolled by the Clerk of the Peace, or Town Clerk, amongst the Records that he keepeth,

keepeth, shall be a sufficient Discharge for the said *Apprentice* against his *Master*, his Executors and Administrators; the *Indenture* of the said Apprenticehood, or any Law or Custom to the contrary notwithstanding. And if the Default shall be found to be in the *Apprentice*, then the said Justices, or the said Mayor or other Head-Officer, with the Assistants aforesaid, shall cause such due Correction and Punishment to be ministred unto him, as by their Wisdom and Discretions shall be thought meet.

Provided always, and be it Enacted by Authority of this present Parliament, That no Person shall by Force or Colour of this Estatute, be bounden to enter into any *Apprenticeship*, other than such as be under the Age of Twenty One Years.

And to the End that this Estatute may from time to time be carefully and diligently put in good Execution, according to the Tenour and true Meaning thereof: Be it Enacted by Authority of this present Parliament, That the Justices of Peace of every County, dividing themselves into several Limits, and likewise every Mayor and Head-Officer of any City or Town-Corporate, shall Yearly between the Feast of St. *Michael* the Archangel, and the Nativity of our Lord, and between the Feast of the Annunciation of our Lady, and the Feast of the Nativity of St. *John* Baptist, by all such ways and means, as to their Wisdoms shall be thought most meet, make a special and diligent Inquiry of the Branches and Articles of this Estatute, and of the good Execution of the same, and where they shall find any Defaults, to see the same severely Corrected and Punished, without Favour, Affection, Malice or Displeasure.

And in Consideration of the Pains and Travel that the said Justices of the Peace, and the said Mayor and Head-Officers, shall take and sustain in and about the Execution of this Estatute, it is further ordained and enacted by Authority of this present Parliament, that every Justice of Peace, Mayor or Head-Officer, for every Day that he shall sit in and about the Execution of this Estatute, shall have allowed unto him Five Shillings, to be allowed and paid unto him, or unto the said Mayor or Head-Officers, of the Fines and Forfeitures of the Pains and Penalties that shall be Forfeited, and due unto the Queen's Majesty, her Heirs or Successors, by Force of this Estatute, in such Manner and Form as the said Justices have been heretofore commonly paid for their coming and Charges at the Quarter Sessions; so that the sitting of the said Justices or Mayor, or Head-Officer, be not at any one time

ſame about Three Days, and for the Matters contained in this Branch.

And be it further enacted by the Authority aforeſaid, that if any Servant or Apprentice of Husbandry, or of any Art, Science or Occupation aforeſaid, unlawfully depart or flee into any other Shire, that it ſhall be lawful to the ſaid Juſtices of Peace, and to the ſaid Mayors, Bailiffs, and other Head-Officers of Cities and Towns-Corporate, for the time being Juſtices of Peace there, to make and grant Writs of *Capias*, ſo many and ſuch as ſhall be needful to be directed to the Sheriffs of the Counties, or to other Head-Officers of the Places, whereſoever ſuch Servants or Apprentices ſhall depart and flee, to take their Bodies returnable before them, at what time ſhall pleaſe them, ſo that if they come by ſuch Proceſs, that they be put in Priſon till they ſhall find ſufficient Surety, well and honeſtly to ſerve their *Maſters*, *Miſtreſſes* or *Dames*, from whom they ſo departed and fled, according to the Order of Law. [5. *E. C.* 4.]

## CHAP. CLIII.

### *Who ſhall be Overſeers for the Poor, their Office, Duty, and Account, &c.*

BE it enacted by the Authority of this preſent Parliament, that the *Church-wardens* of every *Pariſh*, and four, three or two ſubſtantial Houſeholders there, as ſhall be thought meet, having reſpect to the Proportion and Greatneſs of the ſame *Pariſh* and *Pariſhes*, to be nominated Yearly in *Eaſter* Week, or within one Month after *Eaſter*, under the Hand and Seal of two or more Juſtices of the Peace in the ſame County, whereof one to be of the *Quorum*, dwelling in or near the ſame *Pariſh* or *Diviſion* where the ſame *Pariſh* doth lie, ſhall be called *Overſeers* of the *Poor* of the ſame *Pariſh*: And they, or the greater part of them, ſhall take order from time to time, by, and with the conſent of two or more ſuch Juſtices of Peace, as is aforeſaid, for ſetting to Work the Children of all ſuch whoſe Parents ſhall not by the ſaid *Church-wardens* and *Overſeers*, or the greater part of them, be thought able to keep and maintain their Children. And alſo for ſetting to Work all ſuch Perſons, married or unmarried, having no Means to Maintain them, uſe no ordinary and daily Trade of Life to get their Living

Living by: And alſo to raiſe Weekly, or otherwiſe, by Taxation of every *Inhabitant*, *Parſon*, *Vicar*, and Other, and of every *Occupier* of *Lands*, *Houſes*, *Tythes Impropriate*, *Propriations* of *Tythes*, *Coal-Mines*, or *ſaleable Underwoods* in the ſaid *Pariſh*, in ſuch competent Sum and Sums of Money as they ſhall think fit) a convenient Stock of *Flax*, *Hemp*, *Wooll*, *Thread*, *Iron*, and other neceſſary Ware and Stuff to ſet the Poor on Work: And alſo competent Sums of Money for and towards the neceſſary Relief of the Lame, Impotent, Old, Blind, and ſuch other among them, being Poor, and not able to Work: And alſo for putting out of ſuch Children to be Apprentices, to be gathered out of the ſame *Pariſh*, according to the Ability of the ſame *Pariſh*, and to execute all other things, as well for the Diſpoſing of the ſaid Stock, as otherwiſe concerning the Premiſes, as to them ſhall ſeem convenient.

Which ſaid *Church-wardens* and *Overſeers* ſo to be nominated, or ſuch of them as ſhall not be let by Sickneſs, or other juſt Excuſe to be allowed by Two ſuch Juſtices of Peace, or more, as is aforeſaid, ſhall meet together at the leaſt once in every Month, in the Church of the ſaid Pariſh, upon the *Sunday* in the Afternoon, after *Divine Service*, there to conſider of ſome good Courſe to be taken, and of ſome meet Order to be ſet down in the Premiſes, and ſhall within Four Days after the End of their Year, and after other *Overſeers* nominated, as aforeſaid, make and yield up to ſuch Two Juſtices of Peace, as is aforeſaid, a true and perfect Account of all Sums of Money by them received, or Rated and Seſſed, and not received, and alſo of ſuch Stock as ſhall be in their Hands, or in the Hands of any of the Poor to Work, and of all other Things concerning their ſaid Office: And ſuch Sum or Sums of Money as ſhall be in their Hands, ſhall pay and deliver over to the ſaid *Church-wardens* and *Overſeers*, newly nominated and appointed, as aforeſaid, upon pain that every one of them abſenting themſelves without lawful Cauſe, as aforeſaid, from ſuch Monthly Meeting for the purpoſe aforeſaid, or being negligent in their Office, or in the Execution of the Orders aforeſaid, being made by and with the Aſſent of the ſaid Juſtices of Peace, or any two of them before mentioned, to Forfeit for every Default of Abſence or Negligence, Twenty Shillings.

And be it alſo Enacted, that if the ſaid Juſtices of Peace do perceive, that the Inhabitants of any *Pariſh* are not able to Levy among themſelves ſufficient Sums of Money for the Purpoſes aforeſaid; that then the ſaid Two Juſtices ſhall and may Tax, Rate and

Aſſeſs, as aforeſaid, any other of other *Pariſhes*, or out of any *Pariſh* within the Hundred where the ſaid *Pariſh* is, to pay ſuch Sum and Sums of Money to the *Church-wardens* and *Overſeers* of the ſaid *poor Pariſh* for the ſaid Purpoſes, as the ſaid Juſtices ſhall think fit, according to the Intent of this Law. And if the ſaid Hundred ſhall not be thought to the Juſtices, able and fit to relieve the ſaid ſeveral *Pariſhes* not able to provide for themſelves, as aforeſaid: Then the Juſtices of the Peace at their General Quarter Seſſions, or the greater Number of them, ſhall Rate and Aſſeſs, as aforeſaid, any other of the *Pariſhes*, or out of any *Pariſh* within the ſaid County for the Purpoſes aforeſaid, as in their Diſcretion ſhall ſeem fit.

And it ſhall and may be lawful, as well for the preſent, as ſubſequent *Church-wardens* and *Overſeers*, or any of them by Warrant from any two ſuch Juſtices of Peace, as is aforeſaid, to Levy as well the ſaid Sums of Money, and all Arrerages of every one that ſhall refuſe to contribute according as they ſhall be aſſeſſed, by Diſtreſs and Sale of the Offenders Goods, as the Sums of Money or Stock which ſhall be behind upon any Account to be made, as aforeſaid, rendring to the Parties the Overplus: And in defect of ſuch Diſtreſs, it ſhall be lawful for any ſuch two Juſtices of the Peace, to commit him or them to the common Goal of the County, there to remain without Bail or Mainpriſe, until payment of the ſaid Sum, Arrearages and Stock: And the ſaid Juſtices of Peace, or any of them, to ſend to the *Houſe of Correction* or *Common Goal* ſuch as ſhall not imploy themſelves to Work, being appointed thereunto, as aforeſaid: And alſo any Two ſuch Juſtices of Peace, to commit to the ſaid Priſon, every one of the ſaid *Church-wardens* and *Overſeers*, which ſhall refuſe to Accompt, there to remain without Bail or Mainpriſe, until he have made a true Accompt, and ſatisfied and paid ſo much as upon the ſaid Accompt ſhall be remaining in his Hands.

And be it further Enacted, That it ſhall be Lawful for the ſaid *Church-wardens* and *Overſeers*, or the greater Part of them, by the Aſſent of any Two Juſtices of the Peace aforeſaid, to bind any ſuch Children, as aforeſaid, to be Apprentices, where they ſhall ſee convenient, till ſuch Man-Child ſhall come to the Age of Four and Twenty Years, and ſuch Woman-Child, to the Age of One and Twenty Years, or the Time of her Marriage: The ſame to be as effectual to all Purpoſes, as if ſuch Child were of full Age, and by *Indenture* of Covenant bound him or her ſelf.

And to the Intent that neceſſary Places of Habitation may more conveniently be provided for ſuch poor impotent People, Be it

Enacted

Enacted by the Authority aforesaid, That it shall and may be Lawful for the said *Church-wardens* and *Overseers*, or the greater Part of them, by the Leave of the Lord or Lords of the Manor, whereof any Waste or Common within their *Parish*, is or shall be parcel, and upon Agreement before with him or them made in Writing, under the Hands and Seals of the said Lord and Lords, or otherwise, according to any Order to be set down by the Justices of Peace of the said County, at their General Quarter-Sessions, or the greater Part of them, by like Leave and Agreement of the said Lord or Lords, in Writing under his or their Hands and Seals, to erect, build, and set up in fit and convenient Places of Habitation, in such Waste or Common, at the general Charges of the *Parish*, or otherwise of the Hundred or County, as aforesaid, to be Taxed, Rated, and gathered in Manner before expressed, convenient Houses of Dwelling for the said impotent Poor, and also to place Inmates, or more Families than One in One Cottage or House, One Act made in the Thirty First Year of her Majesties Reign, Intituled, *An Act against the Erecting and Maintaining of Cottages*, or any thing therein contained to the contrary notwithstanding. Which Cottages and Places for Inmates shall not at any Time after be used or employed to or for any other Habitation, but only for Impotent and Poor of the same *Parish*, that shall be there placed from time to time by the *Church-wardens* and *Overseers* of the Poor of the same *Parish*, or the most Part of them, upon the Pains and Forfeitures contained in the said former Act made in the said Thirty First Year of Her Majesty's Reign.

Provided always, that if any Person or Persons shall find themselves grieved with any Sess or Tax, or other Act done by the said *Church-wardens*, and other Persons, or by the said Justices of Peace, that then it shall be lawful for the Justices of Peace, at their General Quarter Sessions, or the greater Number of them, to take such Order therein, as to them shall be thought convenient. And the same to conclude and bind all the said Parties.

And be it further enacted, that the Father and Grandfather, and the Mother and Grandmother, and the Children of every Poor, Old, Blind, Lame, and Impotent Person, or other poor Person, not able to work, being of a sufficient Ability, shall at their own Charges relieve and maintain every such poor Person in that Manner, and according to that Rate, as by the Justices of Peace of that County where such sufficient Persons dwell, or the greater Number of them, at their General Quarter Sessions shall be assessed, upon pain that

every one of them shall Forfeit Twenty Shillings for every Month which they shall fail therein.

And be it further hereby Enacted, That the Mayors, Bailiffs, or other Head-Officers of every Town and Place Corporate, and City within this Realm, being Justice or Justices of Peace, shall have Authority by Vertue of this Act, within the Limits and Precincts of their Jurisdictions, as well out of Sessions, as at their Sessions, if they hold any, as is herein limited, prescribed, and appointed to Justices of Peace of the County, or any two or more of them, or to the Justices of Peace in their Quarter Sessions, to do and execute for all Uses and Purposes in this Act prescribed, and no other Justice or Justices of Peace to enter or meddle there.

And be it also Enacted, that if it shall happen any *Parish* to extend it self into more Counties than One, or Part to lye within the Liberties of any City, Town, or Place Corporate, and Part without; that then as well the Justices of Peace of every County, as also the Head-Officers of such City, Town, or Place Corporate, shall deal and intermeddle only in so much of the said *Parish* as lyeth within their Liberties, and not any further. And every of them respectively within their several Limits, Wards, and Jurisdictions, to execute the Ordinances before-mentioned, concerning the Nomination of *Overseers*, the Consent to binding Apprentices, the giving Warrant to levy Taxations unpaid, the taking Account of *Church-wardens* and *Overseers*, and the committing to Prison such as refuse to Accompt, or deny to pay the Arrerages due upon their Accompts. And yet nevertheless, the *Church-wardens* and *Overseers*, or the most Part of them, of the said *Parishes* that do extend into such several Limits and Jurisdictions, shall without dividing themselves, duly execute their Office in all Places within the said *Parish*, in all things to them belonging, and shall duly exhibite and make One Accompt before the said Head-Officer of the Town or Place Corporate, and One other, before the said Justices of Peace, or any Two of them, as is aforesaid.

And further be it Enacted by the Authority aforesaid, That if in any Place within this Realm, there happen to be hereafter no such Nomination of *Overseers* Yearly, as is before appointed; that then every Justice of Peace of the County, dwelling within the Division where such Default of Nomination shall happen, and every Mayor, Alderman, and Head-Officer of any City, Town or Place Corporate, where such Default shall happen, shall lose and forfeit for every such Default Five Pounds, to be employed towards the

Relief

Relief of the *Poor* of the ſaid *Pariſh*, or Place Corporate, and to be levied as aforeſaid, of their Goods, by Warrant from the General Seſſions of the Peace of the ſaid County, or of the ſame City, Town, or Place Corporate, if they keep Seſſions.

And be it alſo Enacted by the Authority aforeſaid, That all Penalties and Forfeitures before mentioned in this Act to be forfeited by any Perſon or Perſons, ſhall go and be employed to the Uſe of the *Poor* of the ſame *Pariſh*, and towards a Stock and Habitation for them, and other neceſſary Uſes and Relief, as before in this Act are mentioned and expreſs'd, and ſhall be levied by the ſaid *Church-wardens* and *Overſeers*, or One of them, by Warrant from any Two ſuch Juſtices of Peace, or Mayor, Alderman, or Head-Officer of City, Town, or Place Corporate reſpectively, within their ſeveral Limits, by Diſtreſs and Sale thereof, as aforeſaid: Or in Defect thereof, it ſhall be lawful for any Two ſuch Juſtices of Peace, and the ſaid Aldermen and Head-Officers, within their ſeveral Limits, to commit the Offender to the ſaid Priſon, there to remain without Bail or Mainprize, till the ſaid Forfeitures ſhall be ſatisfied and paid.

And be it further Enacted by the Authority aforeſaid, That the Juſtices of Peace of every County or Place Corporate, or the more part of them, in their general Seſſions to be holden next after the Feaſt of *Eaſter* next, and ſo Yearly as often as they ſhall think meet, ſhall Rate every *Pariſh* to ſuch a weekly Sum of Money as they ſhall think convenient, ſo as no *Pariſh* be Rated above the Sum of Six-pence, nor under the Sum of a Half-penny, weekly to be paid, and ſo as the Total Sum of ſuch Taxation of the *Pariſhes* in every County, amount not to above the Rate of Two-pence for every *Pariſh* within the ſaid County. Which Sums ſo Taxed, ſhall be Yearly aſſeſſed by the Agreement of the Pariſhioners within themſelves; or in Default thereof, by the *Church-wardens* and *Petty Conſtables* of the ſame *Pariſh*, or the more Part of them; or in Default of their Agreement, by the Order of ſuch Juſtice or Juſtices of Peace, as ſhall dwell in the ſame *Pariſh*, or if none be there dwelling, in the Parts next adjoining.

And if any Perſon ſhall refuſe or neglect to pay any ſuch Portion of Money ſo Taxed, it ſhall be Lawful for the ſaid *Church-wardens* and *Conſtables*, or any of them, or in their Default for any Juſtice of Peace of the ſaid Limit, to levy the ſame by Diſtreſs, and Sale of the Goods of the Party ſo refuſing or neglecting, rendring to the Party the Overplus. And in Default of ſuch Diſtreſs, it ſhall be Lawful for any Juſtice of that Limit, to commit ſuch Perſon to the

ſaid

ſaid Priſon, there to abide without Bail or Mainprize, till he have paid the ſame. [43. *E.* C. 2.]

## CHAP. CLIV.

### *An Act for the better Relief of the Poor of this Kingdom.*

WHEREAS the Neceſſity, Number and continual Increaſe of the *Poor*, not only within the Cities of *London* and *Weſtminſter*, with the Liberties of each of them, but alſo through the whole Kingdom of *England* and Dominion of *Wales*, is very great, and exceeding burthenſome, being occaſioned by Reaſon of ſome Defects in the Law concerning the ſettling of the *Poor*, and for want of a due Proviſion of the Regulations of Relief and Employment in ſuch Pariſhes or Places where they are Legally ſettled, which doth enforce many to turn incorrigible *Rogues*, and others to Periſh for want, together with the neglect of the Faithful Execution of ſuch Laws and Statutes as have formerly been made for the apprehending of *Rogues* and *Vagabonds*, and for the good of the Poor: For remedy whereof, and for the preventing the periſhing of any the poor, whether Young or Old, for want of ſuch Supplies as are neceſſary, May it pleaſe your moſt Excellent Majeſty that it may be Enacted, and be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That whereas by reaſon of ſome Defects in the Law, poor People are not reſtrained from going from one Pariſh to another, and therefore do endeavour to ſettle themſelves in thoſe Pariſhes where there is the beſt Stock, the largeſt Commons, or Waſtes to build Cottages, and the moſt Woods for them to Burn and Deſtroy, and when they have conſumed it, then to another Pariſh, and at laſt become *Rogues* and *Vagabonds*, to the great Diſcouragement of Pariſhes to provide Stocks, where it is liable to be devoured by Strangers:

Be it therefore Enacted by the Authority aforeſaid, That it ſhall and may be lawful, upon Complaint made by the *Church-wardens*, or *Overſeers* of the poor of any Pariſh, to any Juſtice of Peace, within Forty Days after any ſuch perſon or perſons coming ſo to ſettle as aforeſaid, in any Tenement under the Yearly Value of

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Daniel Williams

Poor 1 [illegible]

Ten Pounds, for any Two Juſtices of the Peace, whereof One to be of the *Quorum* of the Diviſion where any perſon or perſons that are likely to be Chargeable to the Pariſh, ſhall come to inhabit, by their Warrant to remove and convey ſuch perſon or perſons to ſuch Pariſh where he or they were laſt Legally ſettled, either as a *Native*, *Houſholder*, *Sojourner*, *Apprentice*, or *Servant*, for the Space of Forty Days at the leaſt, unleſs he or they give ſufficient Security for the Diſcharge of the ſaid Pariſh, to be allowed by the ſaid Juſtices.

Provided always, That all ſuch perſons who think themſelves agrieved by any ſuch Judgement of the ſaid Two Juſtices, may appeal to the Juſtices of the Peace of the ſaid County at their next Quarter-Seſſions, who are hereby required to do them Juſtice, according to the Merits of their Cauſe.

Provided alſo, That (this Act notwithſtanding) it ſhall and may be Lawful for any perſon or perſons to go into any County, Pariſh or Place to work in Time of Harveſt, or at any Time to work at any other Work, ſo that he or they carry with him or them, a Certificate from the Miniſter of the Pariſh, and One of the *Church-wardens*, and One of the *Overſeers* for the *Poor* for the ſaid Year, that he or they have a Dwelling-Houſe or place in which he or they inhabit, and hath left Wife and Children, or ſome of them there, (or otherwiſe as the Condition of the perſons ſhall require) and is declared an Inhabitant, or Inhabitants there: And in ſuch Caſe, if the perſon or perſons ſhall not return to the Place aforeſaid, when his or their Work is finiſhed, or ſhall fall Sick or Impotent whilſt he or they are in the ſaid Work, it ſhall not be accounted a Settlement in the Caſes aboveſaid, but that it ſhall and may be Lawful for Two Juſtices of the Peace to convey the ſaid perſon or perſons to the place of his or their Habitation, as aforeſaid, under the pains and penalties in this Act preſcribed: And if ſuch perſon or perſons ſhall refuſe to go, or ſhall not remain in ſuch Pariſh where they ought to be ſettled, as aforeſaid, but ſhall return of his own Accord to the Pariſh from whence he was Removed, it ſhall and may be Lawful for any Juſtice of the Peace of the City, County or Town-Corporate, where the ſaid Offence ſhall be committed, to ſend ſuch perſon or perſons offending to the Houſe of Correction, there to be puniſhed as a *Vagabond*, or to a publick Work-houſe, there to be employed in Work or Labour: And if the *Church-wardens* and *Overſeers* of the *Poor*

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of the Pariſh, to which he or they ſhall be Removed, refuſe to receive ſuch perſon or perſons, and to provide Work for them, as other Inhabitants of the Pariſh, any Juſtice of Peace of that Diviſion may and ſhall thereupon bind any ſuch Officer or Officers in whom there ſhall be Default, to the Aſſizes or Seſſions, there to be Indicted for his or their Contempt in that Behalf.

[*And be it further Enacted, That if any Perſon be Removed by Virtue of this Act from one County, Riding, City, Town-Corporate or Liberty to another, by Warrant under the Hands and Seals of Two Juſtices of the Peace, the Church-wardens or Overſeers of the Poor of the ſaid Pariſh, or Town to which the ſaid Perſon ſhall be ſo removed, are hereby Required to Receive the ſaid Perſon, and if he or they ſhall refuſe ſo to do, he or they ſo Refuſing or Neglecting (upon proof thereof by Two Credible Witneſſes upon Oath, before any Juſtice of the Peace of the County, Riding, City or Town-Corporate to which the ſaid Perſon ſhall be ſo Removed,) ſhall Forfeit for each Offence the Sum of Five pounds to the Uſe of the Poor of the Pariſh or Town from which the ſaid Perſon was Removed, to be Levied by Diſtreſs and Sale of the Offender or Offenders Goods, by Warrant under the Hand and Seal of any Juſtice of the Peace of the County, Riding, City or Town-Corporate, to which ſuch Perſon was Removed to the Conſtable of the Pariſh or Town where ſuch Offender or Offenders dwell, which Warrant the ſaid Juſtice is hereby Impowered and required to make, the Overplus, if any be, to be Returned to the Owner or Owners, and for want of ſuch ſufficient Diſtreſs, then the ſaid Juſtice ſhall commit the ſaid Offender or Offenders to the Common Goal of the ſaid County, Riding, City or Town-Corporate or Liberty, there to Remain without Bail or Mainpriſe, for the Space of Forty Days.*] [3. & 4. *W.* & *M.*]

And whereas the Laws and Statutes for the apprehending of *Rogues* and *Vagabonds*, have not been duly executed, ſometimes for want of Officers, by reaſon Lords of Manors do not keep Court-Leets every Year for the making of them: Be it therefore Enacted by the Authority aforeſaid, That in caſe any Conſtable, Headborough, or Tythingmen ſhall dye or go out of the Pariſh, any Two Juſtices of the Peace may make and ſwear a new Conſtable, Headborough, or Tythingman, until the ſaid Lord ſhall hold a Court, or until next Quarter-Seſſions, who ſhall approve of the ſaid Officers ſo made and ſworn as aforeſaid, or appoint others as they ſhall think fit: And if any Officer ſhall continue

above

above a Year in his or their Office, that then in ſuch Caſe, the Juſtices of Peace in their Quarter Seſſions may diſcharge ſuch Officers, and may put another fit perſon in his or their place until the Lord of the ſaid Manor ſhall hold a Court as aforeſaid.

And whereas *Conſtables*, *Headboroughs* and *Tything-men*, are or may be at great Charge in Relieving, Conveying with Paſſes, and in Carrying *Rogues*, *Vagabonds*, and *ſturdy Beggars* to Houſes of Correction, or Work-Houſes, and as yet have no power by Law to make Rates to reimburſe themſelves: Be it therefore Enacted by the Authority aforeſaid, That all *Conſtables*, *Headboroughs* and *Tythingmen* ſo out of Purſe as aforeſaid, together with the *Church-wardens* and *Overſeers* of the *Poor*, and other Inhabitants of the Parith, ſhall hereby have power and authority to make an indifferent Rate, and to Tax all the Occupiers of Lands and Inhabitants, and all other perſons chargeable by the Statute of the Three and and Fourth of *Elizabeth*, concerning the Office and Duty of *Overſeers* for the *Poor* within the ſaid Pariſh; which Rate being confirmed under the Hands and Seals of any Two Juſtices of the Peace as aforeſaid, the ſaid *Conſtable*, *Headborough* or *Tything-men*, ſhall have power by Warrant under the Hands and Seals of two Juſtices of Peace, to levy by Diſtreſs and Sale of the Goods of any perſons refuſing to pay the ſame, rendring the Overplus to the Owner, if any ſhall be. [13. & 14. C. 2. C. 12.]

This Act is made perpetual by the 12th of Queen *Ann.*

## CHAP. CLV.

*Poor ſettling in a Pariſh, ſhall give Notice to the Church-wardens.*

FOraſmuch as poor Perſons at their firſt coming into a Pariſh, do commonly Conceal themſelves: Be it therefore Enacted, that the Forty Days Continuance, intended by the 12 & 14. of *Car.* 2. to make a Settlement ſhall be accounted from the time of his or her Delivery of Notice in Writing, which he or ſhe is hereby Required to do, of the Houſe of his or her abode, and the Number of his or her Family (if he or ſhe have any) to one of the *Church-wardens* or *Overſeers* of the *Poor* of the Pariſh to which they ſhall remove. [1. *J.* 2.]

## CHAP. CLVI.

*An Act for the better Explanation and Supplying the Defects of the former Laws for the Settlement of the Poor.*

WHEREAS one Act of Parliament made in the Thirteenth and Fourteenth Years of His late Majesty King *Charles* the Second, intituled, *An Act for the better Relief of the Poor of this Kingdom*, (except what relates to the Corporation therein mentioned and Constituted thereby) was revived and continued with some Alterations by one other Act made in the First Year of the late King *James* the Second, and have been found by Experience to be good and wholesom Laws, but may shortly Expire.

Be it therefore Enacted by the King and Queen's most Excellent Majesties, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by Authority of the same, that the said Acts, as to what relates to the Settlements of the Poor, shall be in Force from the First Day of *March*, 1691.

But forasmuch as the said Acts are somewhat Defective and Doubtful, for supplying and explaining the same, be it further provided and enacted by the Authority aforesaid, that the Forty Days Continuance of such person in a Parish or Town, intended by the said Acts to make a Settlement, shall be accounted from the Publication of a Notice in Writing, which he or she shall deliver of the House of his or her Abode, and the Number of his or her Family, if he or she have any, to the *Church-wardens* or *Overseers* of the *Poor*, which said Notice in Writing the said *Church-warden* or *Overseer* of the *Poor*, is or are hereby required to Read, or cause to be Read publickly, immediately after Divine Service, in the Church or Chappel of the said Parish or Town, on the next Lord's Day, when there shall be Divine Service in the same; and the said *Church-warden* or *Overseer* of the *Poor*, is or are hereby required to Register, or cause to be Registred the said Notice in Writing in the Book kept for the Poors Accounts.

Provided always, and be it Enacted, That no *Soldier*, *Seaman*, *Shipwright*, or other *Artificer* or *Workman* imployed in their Majesties Service shall have any Settlement in any Parish, Port-Town, or other Town, by Delivery and Publication of a Notice in Writing, as aforesaid, unless the same be after the Dismission of such Person out of their Majesties Service.

And

And be it further Enacted, That if any *Church-warden* or *Overſeer* of the *Poor*, ſhall refuſe or neglect to Read, or cauſe to Read ſuch Notice in Writing, as aforeſaid, in ſuch manner, place and time, as aforeſaid, he or they for every ſuch Offence (upon Proof thereof by two credible Witneſſes upon Oath before any Juſtice of the Peace of the ſame County, Riding or Diviſion, City or Town-Corporate, where Complaint thereof ſhall be made) ſhall Forfeit the Sum of Forty Shillings to the Uſe of the Party Grieved, to be Levied by Diſtreſs and Sale of the Offender or Offenders Goods by Warrant under the Hand and Seal of any Juſtice of Peace within the ſaid Juriſdictions reſpectively, to the *Conſtable* of the Pariſh or Town where ſuch Offender or Offenders dwell, the Overplus, if any be, to be Returned to the Owner or Owners, and for want of ſuch ſufficient Diſtreſs, the ſaid Juſtice ſhall Commit him or them to the Common Goal of the ſaid County, City or Town-Corporate, there to Remain without Bail or Mainpriſe for the ſpace of one Month, and if any *Church-warden* or *Overſeer* of the *Poor* ſhall refuſe or neglect to Regiſter, or cauſe to be Regiſtred ſuch Notice in Writing, as aforeſaid, he or they ſo Offending upon the like Conviction ſhall Forfeit the Sum of Forty Shillings to the Uſe of the Poor of the Pariſh, or Town where ſuch Offender or Offenders dwell, to be Levied as aforeſaid, the Overplus, if any be, to be returned to the Owner or Owners; and for want of ſuch ſufficient Diſtreſs, then the ſaid Juſtice ſhall Commit ſuch Offender or Offenders, as aforeſaid, for the time aforeſaid.

Provided always, and be it Enacted, that if any Perſon who ſhall come to Inhabit in any Town or Pariſh, ſhall for himſelf, and on his own Account, execute any publick Annual Office or Charge in the ſaid Town or Pariſh, during One whole Year, or ſhall be charged with and pay his Share towards the publick Taxes or Levies of the ſaid Town or Pariſh, then he ſhall be adjudged and Deemed to have a Legal Settlement in the ſame, though no ſuch Notice in Writing be Delivered and Publiſhed, as is hereby before required.

And it is hereby further Enacted, That if any Unmarried Perſon, not having Child or Children, ſhall be lawfully Hired into any Pariſh or Town for One Year, ſuch Service ſhall be Adjudged and Deemed a good Settlement therein, though no ſuch Notice in Writing be delivered and publiſhed, at is herein before required.

And it is hereby further Enacted, that if any Perſon ſhall be bound an Apprentice by Indenture, and Inhabit in any Town or Pariſh, ſuch Binding and Inhabitation ſhall be adjudged a good

Settlement, though no ſuch Notice in Writing be Delivered and Publiſhed, as aforeſaid.

Provided always, and be it hereby Enacted, that if any Perſon or Perſons ſhall find him, her, or themſelves Agrieved by any Determination which any Juſtice or Juſtices of the Peace ſhall make in any of the Caſes aboveſaid, the ſaid Perſon or Perſons ſhall have Liberty to Appeal to the next General Quarter Seſſions of the Peace, to be held for the ſaid County, Riding or Diviſion, City or Town-Corporate, who upon full hearing of the ſaid Appeal, ſhall have full power finally to Determine the ſame.

And whereas many Inconveniences do daily ariſe in Cities, Towns-Corporate, and Pariſhes where the Inhabitants are very numerous, by Reaſon of the unlimited Power of the *Church-wardens* and *Overſeers* of the *Poor*, who do frequently upon frivolous Pretences (but cheifly for their own private Ends) give Relief to what Perſons and Number they think fit, and ſuch Perſons being entered into the Collection Bill, do become after that a great Charge to the Pariſh, notwithſtanding the Occaſion of pretence of their receiving Collection oftentimes ceaſes, by which Means the Rates for the Poor are daily increaſed, contrary to the true Intent of a Statute made in the Forty Third Year of the Reign of her Majeſty Queen *Elizabeth*, Entituled, *An Act for the Relief of the Poor*.

For remedying of which, and preventing the like Abuſes for the future, Be it further Enacted, That from and after the Firſt Day of *March*, there ſhall be provided and kept in every Pariſh (at the Charge of the ſame Pariſh) a Book or Books, wherein the Names of all ſuch Perſons who do or may receive Collection ſhall be Regiſtred, with the Day and Year when they were firſt admitted to have Relief, and the Occaſion which brought them under that Neceſſity: And that Yearly in *Eaſter* Week (or as often as it ſhall be thought convenient) the Pariſhioners of every Pariſh ſhall meet in their Veſtry or other uſual place of Meeting in the ſame Pariſh, before whom the ſaid Book ſhall be produced, and all Perſons receiving Collection to be called over, and the Reaſons of their taking Relief examined, and a new Liſt made and entered, of ſuch Perſons as they ſhall think fit and allow to receive Collection, and that no other Perſon be allow'd to have or receive Collection at the Charge of the ſaid Pariſh, but by Authority under the Hand of one Juſtice of Peace reſiding within ſuch Pariſh, or (if none be there dwelling) in the Parts near or next adjoining, or by Order of the Juſtices in their reſpective Quarter Seſſions, except in Caſes of Peſtilential Diſeaſes,

Diſeaſes, Plague, or Small-pox, for and in Reſpect of ſuch Families only as are or ſhall be therewith Infected.

And whereas many *Church-wardens* and *Overſeers* of the *Poor*, and other Perſons intruſted to receive Collections for the Poor, and other publick Moneys relating to the Churches and Pariſhes whereunto they do belong, do often miſpend the ſaid Moneys, and take the ſame to their own Uſe, to the great prejudice of ſuch *Pariſhes* and the *Poor*, and other Inhabitants thereof: And becauſe that many times the Judges when Actions are brought againſt ſuch *Church-wardens* and *Overſeers*, to Recover the Moneys ſo miſpent, taken or miſapplied by the Perſons aforeſaid, refuſe to admit the Pariſhioners to be Witneſſes in ſuch Caſes, who are the only Perſons that can make Proof thereof: Wherefore to prevent all ſuch evil and deceitful Practices of *Church-wardens* and *Overſeers*, and other Perſons: Be it Enacted and Declared, That in all Actions to be brought in their Majeſties Courts of Record at *Weſtminſter*, or at the Aſſizes, for Recovery of any Sum or Sums of Money, ſo miſpent, or taken by *Church-wardens* or *Overſeers* of the *Poor*, the Evidence of the Pariſhioners, or any of them, other then of ſuch as receive Alms, or any Penſion or Gift out of ſuch Collections or publick Moneys of ſuch Pariſh or Pariſhes reſpectively, whereof the Defendant or Defendants is, or are Inhabitant or Inhabitants, ſhall be taken and admitted in all ſuch Caſes in the Courts aforeſaid; any Cuſtom, Rule, Order, or Uſage to the contrary notwithſtanding. [3. & 4. *W. & M.*]

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## CHAP. CLVII.

*An Act for ſupplying ſome Defects in the Laws, for the Relief of the Poor of this Kingdom.*

IF any Perſon who after the Firſt Day of *May*, 1697, ſhall come to any Pariſh or other Place to Inhabit, ſhall at the ſame time deliver to any of the *Churchwardens* or *Overſeers* of the *Poor* of the Place where he comes, a Certificate under the Hands and Seals of the *Church-wardens* or *Overſeers* of the *Poor* of any other Pariſh or Place, atteſted by Two or more Witneſſes, thereby owning the Perſon mentioned in the Certificate to be an Inhabitant legally ſettled in that Pariſh or Place, ſuch Certificate having been allowed and ſubſcribed by Two Juſtices of Peace of the County, City or Borough

Borough from whence it comes, ſhall oblige the ſaid Pariſh or Place, to receive and provide for the Perſon mentioned in the Certificate with his Family, as Inhabitants, whenever the Party ſhall happen to become Chargeable to the Place to which ſuch Certificate was given; and then, and not before, it ſhall be lawful for ſuch Perſon and his Children (though Born in that Pariſh) not having otherwiſe acquired a Legal Settlement, to be removed to the Place from whence ſuch Certificate was brought.

After 1. *September*, 1697, every ſuch Perſon as ſhall receive Relief of any Pariſh or Place, and the Wife and Children cohabiting in the ſame Houſe (except ſuch Child as ſhall be permitted to live at Home to attend ſome helpleſs Parent) ſhall, upon the Right Shoulder of their upper Garment, in a viſible Manner, wear a large Roman P, with the firſt Letter of the Name of the Pariſh or Place where the ſaid Perſon Inhabits, cut in Red or Blue Cloth, as the *Church-wardens* or *Overſeers* ſhall appoint. The poor Perſon neglecting or refuſing to wear ſuch Badge or Mark, may be puniſhed by any Juſtice of Peace of the County, either by ordering his or her Relief on the Collection to be abridged or withdrawn, or by committing the Party to the *Houſe of Correction*, not exceeding Twenty One Days; and if any *Church-warden* or *Overſeer* of the *Poor*, after the ſaid 1*ſt*. of *September*, ſhall relieve any ſuch poor Perſon, not wearing ſuch Badge, he being Convicted by One Witneſs before a Juſtice of Peace, ſhall forfeit for every ſuch Offence Twenty Shillings, to be Levied by Diſtreſs and Sale of Goods, one Moiety to the Uſe of the Informer, the other to the *Poor* of the *Pariſh*.

Juſtices of Peace at their Quarter Seſſions, upon any Appeal concerning the Settlement of any poor Perſon, or upon Proof of Notice given of an Appeal, (tho' the Appeal was not afterwards proſecuted) ſhall award to the Party for whom ſuch Appeal ſhall be determin'd, or to whom ſuch Notice had been given, ſuch Coſts and Charges as the ſaid Juſtices ſhall think reaſonable; and if the Perſon order'd to pay ſuch Coſts ſhall live out of the Juriſdiction, any Juſtice of the Peace where ſuch perſon ſhall inhabit, may and ſhall, upon Requeſt, and a true Copy of the Order for payment produced and proved upon Oath, cauſe the Money mentioned in that Order to be Levied by Diſtreſs; and in Caſe no Goods can be found, to commit the perſon to priſon for Twenty Days.

No unmarried perſon, not having Child or Children, lawfully hired into any *Pariſh* or *Town* for one Year, ſhall be deemed to have a good Settlement in ſuch *Pariſh*, unleſs he ſhall continue in the ſame ſervice during one whole Year.

Where

Where any poor Children ſhall be appointed to be bound Apprentices, purſuant to the Act of 43 *Eliz.* (*Cap.* 2.) the perſons to whom they are appointed to be Bound, ſhall receive and provide for them according to the *Indenture*, and upon Refuſal ſo to do, upon Oath thereof made by a *Church-warden* or *Overſeer*, before Two Juſtices, he or ſhe ſo offending, ſhall forfeit Ten Pounds, to be levyed by Diſtreſs and Sale of Goods, to be applied to the Uſe of the *Poor* of the *Pariſh* where ſuch Offence was committed. Saving to ſuch perſons their Appeal to the next Quarter Seſſions for that County, whoſe Order therein ſhall be final.

After the 1*ſt.* of *May*, 1697, the Appeal againſt any Order for the Removal of any poor Perſon, ſhall be had at the Quarter Seſſions of the County or Diviſion, wherein the *Pariſh* or *Place* from whence ſuch perſon ſhall be removed, doth lye, and not elſewhere.

Nothing in this Act to extend to make void any Promiſe already made, to receive and take back any perſons in Caſe they ſhould become poor or want Relief. Nor be conſtrued to hinder the Juſtices of Peace, within the Liberty of St. *Albans*, from hearing and determining Appeals in their Quarter Seſſions, as they might have done before the making this Act. [8. & 9. *W.* 3. *Cap.* 30.]

For explaining the Act made the laſt preceeding Seſſion, Intituled, *An Act for ſupplying ſome Defects in the Laws for the Relief of the Poor of this Kingdom*, whereby it was Enacted, That ſuch perſons as after the 1*ſt.* of *May*, 1697, ſhall come into any *Pariſh* or *Place* to inhabit or reſide, ſhould at the ſame time deliver to the *Church-wardens* or *Overſeers* of the Poor there a Certificate, as by the Act directed, it is declared, That no perſons, who ſhall come into any *Pariſh* by any ſuch Certificate, ſhall be adjudged by any Act whatſoever, to have procured a Legal Settlement in ſuch *Pariſh*, unleſs ſuch perſons ſhall *bona Fide* take a Leaſe of a Tenement of Ten pounds *per Annum*, or ſhall Legally be placed in and execute ſome Annual Office in ſuch *Pariſh*. [9. & 10. *W.* 3. *Cap.* 11.]

## CHAP. CLVIII.

### *Poor Boys Apprentices to the Sea Service.*

BE it Enacted, That Two Juſtices of the Peace in their Counties, or Mayor, Aldermen, and other Chief Officers of any City, or Town-Corporate; and *Church-wardens* and *Overſeers* of the *Poor*, may

may by the Conſent of the ſaid Juſtices, bind out Boys above Ten Years of Age, whoſe Parents are Chargeable to the *Pariſh*, to be Apprentices to the Sea Service, to a Maſter or Owner of any Veſſel or Ship, belonging to any Port in *England* or *Wales*, until he ſhall attain to the Age of One and Twenty Years: The Age of the Boy when Bound, ſhall be inſerted in the *Indenture*; the Officers ſhall pay Fifty Shillings to the Boy's Maſter for Cloathing and Boarding, which ſhall be allowed in their Accounts.

Juſtices, Mayors, Aldermen, and other Chief Officers, near the Port to which ſuch Ships ſhall arrive, may hear and determine all Complaints concerning hard Uſage of ſuch Apprentices.

By the 10th of Queen *Ann*, any Officer or Soldier that have ſerved her Majeſty, may ſet up and uſe any Trade or Miſtery, that they are capable of, in any Pariſh within the County where they were Born, although they never were Apprentices by *Indenture* to the ſaid Trade or Miſtery.

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## CHAP. CLIX.

*Perſons bound Apprentices to, or being Hired Servants with Perſons coming with Certificates, ſhall not gain Settlements by ſuch Services or Apprenticeſhips.*

WHereas many Perſons obtaining and bringing Certificates, do frequently take Apprentices bound by *Indenture*, and hire and keep Servants by the Year, who by reaſon of ſuch Apprenticeſhips and Services do gain Settlements in, and become a great Burthen to ſuch Pariſhes, Townſhips and Places, though ſuch Maſters coming with ſuch Certificates, have, by Vertue thereof, no Settlements in ſuch pariſhes, Townſhips or places: For Remedy whereof, it is Declared and Enacted, That if any perſon whatſoever, who, upon or after the Four and Twentieth Day of *June*, One Thouſand Seven Hundred and Thirteen, ſhall be an Apprentice, bound by *Indenture*, to, or ſhall, upon or after the ſaid Four and Tentieth Day of *June*, One Thouſand Seven Hundred and Thirteen, be a Hired Servant to or with any perſon whatſoever, who did come into or ſhall reſide in any Pariſh, Townſhip or place, in that part of *Great Britain* called *England*, by Means or Licence

Licence of ſuch Certificate, and not afterwards having gained a Legal Settlement in ſuch Pariſh, Townſhip or Place, ſuch Apprentice, by Virtue of ſuch Apprenticeſhip, Indenture or Binding, and ſuch Servant by being Hired by, or ſerving as a Servant, as aforeſaid, to ſuch Perſon, ſhall not gain or be Adjudged to have any Settlement in ſuch Pariſh, Townſhip or Place, by reaſon of ſuch Apprenticeſhip or Binding, or by reaſon of ſuch hiring or ſerving therein; but every ſuch Apprentice and Servant ſhall have his and their Settlements in ſuch Pariſh, Townſhip or Place, as if he or they had not been bound Apprentice or Apprentices, or had not been an hired Servant or Servants to ſuch Perſon, as aforeſaid; any Act or Acts of Parliament to the contrary notwithſtanding. [12. A.]

## CHAP. CLX.

*An Act for the more Effectual Relief of ſuch Wives and Children, as are left by their Huſbands, and Parents upon the Charge of the Pariſh.*

WHEREAS divers Perſons run or go away from their Places of Abode into other Countries or Places, and ſometimes out of the Kingdom, ſome Men leaving their Wives, a Child or Children, and ſome Mothers run or go away, leaving a Child or Children, upon the Charge of the Pariſh or Place where ſuch Child or Children was or were Born, or laſt legally Settled, although ſuch Perſons have ſome Eſtates, which ſhould Eaſe the Pariſh of their Charge, in whole, or in part: May it pleaſe your Majeſty therefore, that it may be Enacted; And be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lord's Spiritual and Temporal, and Commons of this preſent Parliament Aſſembled, and by the Authority of the ſame, that it ſhall and may be Lawful for the *Church-wardens* or *Overſeers* of the *Poor* of ſuch Pariſh or Place where any ſuch Wife, or Child, or Children, ſhall be ſo left, upon Application to, and by Warrant or Order from any Two Juſtices of the Peace, to take and ſeize ſo much of the Goods and Chattels, and receive ſo much of the Annual Rents and Profits of the Lands and Tenements of ſuch Huſband, Father or Mother, as Two ſuch Juſtices of the Peace, as aforeſaid, ſhall Order or Direct, for or towards the Diſcharge of the Pariſh or Place where ſuch

ſuch Wife, Child or Children are left, for the bringing up and providing for ſuch Wife, Child or Children; which Warrant or Order being confirmed at the next Quarter Seſſions, it ſhall be Lawful for the Juſtices of ſuch Quarter Seſſions to make an Order for the *Churchwardens* or *Overſeers* for the *Poor* of ſuch Pariſh or Place, to diſpoſe of ſuch Goods and Chattles by Sale or otherwiſe, or ſo much of them, for the purpoſes aforeſaid, as the Court ſhall think fit, and to receive the Rents and Profits, or ſo much of them, as ſhall be Ordered by the Seſſions, as aforeſaid, of his or her Lands and Tenements, for the purpoſes aforeſaid.

And be it Enacted by the Authority aforeſaid, that the *Churchwardens* and *Overſeers* aforeſaid, ſhall be Accountable to the Juſtices at the Quarter Seſſions for all ſuch Money as they, or any of them, ſhall receive by Virtue of this Act. [9. *G.*]

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## CHAP. CLXI.

*An Act for amending the Laws relating to the Settlement, Imployment, and Relief of the Poor.*

WHEREAS by an Act of Parliament made and paſſed in the Third and Fourth Years of the Reign of their late Majeſties King *William* and Queen *Mary*, it was provided, *That in every Pariſh a Book or Books ſhould be kept, wherein the Names of all Perſons who did, or might receive Collections, ſhould be Regiſtred, with the Time when they were firſt admitted to ſuch Relief, and the Occaſion which brought them under that Neceſſity; and that no ſuch Perſon ſhould be allowed to have, or receive Collection at the Charge of the Pariſh, but by Authority, or under the Hand of One Juſtice of the Peace, reſiding in ſuch Pariſh, or if none there dwelling, in the Parts near or next adjoining, or by Order of the Juſtices at their Quarter Seſſions; except in Caſe of Peſtilential Diſeaſes, Plague, or Small Pox:* And whereas, under Colour of the *Proviſo* in the ſaid Act, many Perſons have apply'd to ſome Juſtice of the Peace, without the Knowledge of any Officers of the Pariſh, and thereby, upon untrue Suggeſtions, and ſometimes upon falſe or frivolous Pretences, have obtained Relief, which hath greatly contributed to the Increaſe of the pariſh Rates:

For

For Remedy whereof, Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame; That from and after the 25th Day of *March*, *Anno. Dom.* 1723, no Juſtice of the Peace ſhall order Relief to any poor Perſon dwelling in any Pariſh, until Oath be made before ſuch Juſtice of ſome Matter which he ſhall judge to be a reaſonable Cauſe or Ground for having ſuch Relief; and that the ſame Perſon had by himſelf, her ſelf, or ſome other Perſon, applied for Relief to the Pariſhioners of the Pariſh at ſome Veſtry, or other publick Meeting of the ſaid Pariſhioners, or to Two of the *Overſeers* of the *Poor* of ſuch *Pariſh*, and was by them refuſed to be Relieved; and until ſuch Juſtice hath ſummoned Two of the *Overſeers* of the *Poor*, to ſhew Cauſe why ſuch Relief ſhould not be given, and the Perſon ſo ſummoned hath been heard, or made Default to appear before ſuch Juſtice; any thing in the ſaid *Proviſo*, or any Law to the contrary notwithſtanding.

And be it further Enacted by the Authority aforeſaid, That the Perſon whom any ſuch Juſtice of the Peace ſhall think fit to order to be Relieved, ſhall be entered in ſuch Book or Books ſo to be kept by the Pariſh, as One of thoſe who is to receive Collection, as long as the Cauſe for ſuch Relief continues, and no longer; and that no Officer of any Pariſh ſhall (except upon ſudden and emergent Occaſions) bring to the Account of the Pariſh any Money he ſhall give to any poor Perſon of the ſame Pariſh, who is not Regiſtred in ſuch Book or Books, to be kept by the ſaid Pariſh, as a perſon entitled to receive Collection, upon pain of forfeiting Five Pounds, to be levyed by Diſtreſs and Sale of Goods, by Warrant of Two or more Juſtices of the Peace of the ſame County, who have examined into and found him Guilty of ſuch Offence; which ſaid Sum ſhall be apply'd to and for the Uſe of the *Poor* of the ſaid *Pariſh*, by Direction of the ſaid Juſtice or Juſtices of the Peace.

And for the greater Eaſe of Juſtices of the Peace, whom his Majeſty or his Succeſſors hath or ſhall by Commiſſion, authoriſe to act as a Juſtice of the Peace for any County of this Realm; Be it Enacted by the Authority aforeſaid, That if any ſuch Juſtice of the Peace ſhall happen to dwell in any City, or other Precinct, that is a County of it ſelf, ſcituate within a County at large, for which he ſhall be appointed Juſtice of Peace, although not within the ſame County, it ſhall and may be Lawful for any ſuch Juſtice of Peace to grant Warrants, take Examinations, and make Orders for any Matters,

which any one or more Juſtice or Juſtices of the Peace may act in, at his own Dwelling Houſe, although ſuch Dwelling-Houſe be out of the County where he is authoriſed to act as a Juſtice of the Peace, and in ſome City or other Precinct adjoining, that is a County of it ſelf; and that all ſuch Warrants, Orders, and other Act or Acts of any ſuch Juſtice of Peace, and the Act or Acts of any *Conſtable*, *Tythingman*, *Headborough*, *Overſeer* of the *Poor*, *Surveyor* of the *Highways*, or other Officer, in Obedience to any ſuch Order or Warrants, ſhall be as valid, good, and effectual in Law; although it happen to be out of the Limits of the proper Precinct or Authority.

Provided always, That nothing in this Act contained, ſhall extend to give power to the Juſtices of the Peace for the County at large, to hold their General Quarter Seſſions of the Peace in Cities or Towns which are Counties of themſelves nor to impower *Juſtices of the Peace*, *Sheriffs*, *Bailiffs*, *Conſtables*, *Headboroughs*, *Tythingmen*, *Borſholders*, or any other *Peace Officers* of the Counties at large, to act or intermeddle in any Matters or Things ariſing within Cities or Towns which are Counties of themſelves; and that all ſuch Actings and Doings ſhall be of the ſame Force and Effect in Law, and none other, as if this Act had never been made.

And for the greater Eaſe of Pariſhes in the Relief of the *Poor*, Be it further Enacted by the Authority aforeſaid, That it ſhall and may be Lawful for the *Church-wardens* and *Overſeers* of the *Poor* of any Pariſh, Town, Townſhip, or Place, with the Conſent of the major part of the Pariſhioners or Inhabitants of the ſame Pariſh, Town, Townſhip, or Place, in Veſtry, or other pariſh or publick Meeting for that purpoſe aſſembled, or of ſo many of them as ſhall be ſo aſſembled, upon uſual Notice thereof firſt given, to purchaſe or hire any Houſe or Houſes in the ſame Pariſh, Townſhip or Place, and to Contract with any perſon or perſons for the Lodging, Keeping, Maintaining, and Imploying any or all ſuch *Poor* in their reſpective Pariſhes, Townſhips, or places, as ſhall deſire to receive Relief or Collection from the ſame Pariſh; and there to Keep, Maintain and Employ all ſuch poor Perſons, and take the Benefit of the Work, Labour and Service of any ſuch poor perſon or perſons, who ſhall be kept or maintain'd in any ſuch Houſe or Houſes, for the better Maintainance and Relief of ſuch poor perſon or perſons, who ſhall be there kept or maintain'd; and in Caſe any poor perſon or perſons of any Pariſh, Town, Townſhip or Place, where ſuch Houſe or Houſes ſhall be ſo purchaſed or hired, ſhall refuſe to be lodged, kept or maintain'd in ſuch Houſe or Houſes, ſuch poor perſon-

ſon or perſons ſo Refuſing, ſhall be put out of the Book or Books where the Names of ſuch perſon or perſons who ought to receive Collection in the ſaid Pariſh, Town, Townſhip or Place ought to be Regiſtred, and ſhall not be entituled to aſk or receive Collection or Relief from the *Church-wardens* or *Overſeers* of the *Poor* of the ſame Pariſh, Town, or Townſhip.

And where any Pariſh, Town, or Townſhip ſhall be too ſmall to hire any ſuch Houſe or Houſes for the *Poor* of their own *Pariſh* only, it ſhall and may be Lawful for any Two or more ſuch Pariſhes, Towns, Townſhips or Places, with the Conſent of the major part of the Pariſhioners or Inhabitants of their reſpective Pariſhes, Towns, Townſhips or Places, in Veſtry, or other pariſh or publick Meeting, for that purpoſe aſſembled, or of ſo many of them as ſhall be ſo aſſembled, upon uſual Notice thereof firſt given, and with the Approbation of any Juſtice of Peace dwelling in or near any ſuch Pariſh, Town, Townſhip or Place, ſignified under his Hand and Seal, to unite in purchaſing, hiring, or taking ſuch Houſe for Lodging, Keeping, and Maintaining of the *Poor* of ſuch *Pariſhes*, and there to employ them, and take the Benefit of their Labour for the better Maintainance of ſuch poor Perſons; and if they ſhall Refuſe to be lodged and kept in ſuch Houſes, they ſhall be put out of the Collection-Book, and ſhall not be intituled to aſk Relief from the Officers of their reſpective Pariſhes: And it ſhall and may be Lawful to and for ſuch *Church-wardens* and *Overſeers* of the *Poor*, by their Inhabitants Conſent as aforeſaid, to contract for ſuch Houſes as aforeſaid, as to them ſhall ſeem meet.

Provided always, that no poor perſon or perſons, his or their Apprentice, Child or Children, ſhall acquire a Settlement in the Pariſh, Town or Place, to which he, ſhe, or they are removed by Vertue of this Act; but that his, her, or their Settlement ſhall be and remain in ſuch Pariſh, Town or Place, as was before ſuch Removal; any thing in this Act to the contrary notwithſtanding.

And be it further Enacted by the Authority aforeſaid, that from and after the 25th Day of *March*, *Anno Dom.* 1723, no perſon or perſons ſhall be deemed, adjudged, or taken to acquire or gain any Settlement in any Pariſh or Place, for or by Vertue of any Purchaſe of any Eſtate or Intereſt in ſuch Pariſh or Place, whereof the Conſideration for ſuch Purchaſe doth not amount to the Sum of Thirty Pounds *bona Fide* paid, for any longer or further Time, than ſuch perſon or perſons ſhall inhabit in ſuch Eſtate, and ſhall then be liable to be removed to ſuch Pariſh or Place where ſuch perſon

or

or perſons were laſt Legally ſettled before the ſaid Purchaſe and Inhabitancy therein.

And be it further Enacted by the Authority aforeſaid, that no perſon or perſons whatſoever, who from and after the 25*th* Day of *March*, *Anno Dom.* 1723. ſhall be Rated, Taxed or Aſſeſſed to the *Scavenger* or Repairs of the *Highways*, and ſhall duly pay the ſame, ſhall be deemed or taken to have any legal Settlement in any City, Pariſh, Town or Hamlet, for or by reaſon of his her or their paying to ſuch *Scavengers* Rate, or Repairs of the *Highways* as aforeſaid, any Law to the contrary in any wiſe notwithſtanding.

It ſhall and may be lawful for the Juſtices of the Peace within the Liberty of the Borough of St. *Peter*, and the Hundred of *Naſſaborough*, in the County of *Northampton*, to hear and determine all Appeals to them made, againſt any Order made for Removal of any poor perſon in their Quarter-Seſſions, any thing contain'd in any former Act, or in this Act made to the contrary notwithſtanding.

And whereas Diſputes and Controverſies have ariſen and been, concerning the time of Notice to be given of Appeals, from Orders of Removals of poor perſons, to prevent the ſame as much as may be for the future: Be it Enacted by the Authority aforeſaid, that from and after the ſaid 25*th* Day of *March*, *Anno Dom.* 1723. no Appeal or Appeals, from any Order or Order of Removal of any poor perſon or perſons whatſoever, from any *Pariſh* or *Place* to another, ſhall be proceeded upon in any Court or Quarter Seſſions, unleſs reaſonable Notice ſhall be given by the *Church-wardens* or *Overſeers* of the *Poor* of ſuch *Pariſh* or *Place*, who ſhall make ſuch Appeal unto the *Church-wardens* or *Overſeers* of the *Poor* of ſuch *Pariſh* or *Place*, from which ſuch poor perſon or perſons ſhall be Removed; the Reaſonableneſs of which Notice, ſhall be determined by the Juſtices of the Peace in the Quarter Seſſions, to which the Appeal is made, and if it ſhall appear to them, that reaſonable time of Notice was not given, then they ſhall Adjourn the ſaid Appeal to the next Quarter Seſſions, and then and there finally hear and determine the ſame.

And for the preventing of Vexatious Removals, Be it further Enacted by the Authority aforeſaid, that from and after the 25th Day of *March*, *Anno Dom.* 1723, If the Juſtices of the Peace ſhall at their Quarter Seſſions, upon an Appeal before them there had, concerning the Settlement of any poor Perſon, determine in Favour of the Appellant, that ſuch poor perſon or perſons was or were unduly removed, that then the ſaid Juſtices ſhall at the ſame Quarter Seſſions,

Seſſions, order and award to ſuch Appellant, ſo much Money as ſhall appear to the ſaid Juſtices to have been Reaſonably paid by the Pariſh or other Place, on whoſe Behalf ſuch Appeal was made, for or towards the Relief of ſuch poor perſon or perſons, between the Time of ſuch undue Removal, and the Determination of ſuch Appeal; the ſaid Money ſo Awarded, to be Recovered in the ſame Manner as Coſts and Charges, upon an Appeal are preſcribed to be Recover'd by the 9th of *W.* 3d. *for ſupplying ſome Defects in the Laws for Relief of the Poor of this Kingdom.* [ 9. *K.* George. ]

## CHAP. CLXII.

### *Poſt and Poſt-Maſter.*

NO perſon or perſons after the 1ſt. of *June*, 1711, ſhall be capable of having, uſing, or exerciſing the Office of *Poſt-Maſter-General*, or any Part thereof, or any other Employment relating to the *Poſt-Office*, or any Branch thereof, or be any way concerned in receiving, ſorting, or delivering Letters or Packets, unleſs ſuch Perſon ſhall have taken the following Oath before One Juſtice for the County or Place where ſuch Perſon reſides.

I A. B. *do Swear, That I will not wittingly, willingly, or knowingly open, detain, or delay, or cauſe, procure, permit or ſuffer to be opened, detained, or delayed any Letter or Letters, Packet or Packets, which ſhall come into my Hands, Power or Cuſtody, by Reaſon of my Employment in or relating to the* Poſt-Office, *except by the Conſent of the perſon or perſons to whom the ſame is or ſhall be directed, or by an expreſs Warrant in Writing under the Hand of One of the Principal Secretaries of State for that purpoſe, or except in ſuch Caſes where the party or parties to whom ſuch Letter or Letters, Packet or Packets, ſhall be directed, or who is or are chargeable with the payment of the Port or Ports thereof, ſhall refuſe or neglect to pay the ſame: And except ſuch Letters or Packets as ſhall be returned for Want of true Directions, or when the party or parties to whom the ſame is or ſhall be directed, cannot be found. And that I will not any way imbezil any ſuch Letter or Letters, Packet or Packets as aforeſaid.*

*Stat, 9 Ann. C. 10. Seſſ. 41.*

*Poſt-*

*Poſtmaſter General*, or any other Officer relating to the Poſt-Office, not taking the Oaths of Allegiance and Supremacy before Two Juſtices of the County, where they are reſident. Not Capable to hold. Stat. 12. *Car.* 2. *C.* 35. *S.* 13.

All Sums not exceeding 5*l.* due for Poſtage of Letters, to be recovered before them in the ſame Manner, and under the ſame Rates, as ſmall Tythes are.

Stat. 9. *Ann*, *C.* 10. Sect. 30.

Bill of Exchange wrote on one and the ſame Piece of Paper with a Letter, and Letters to ſeveral and diſtinct Perſons wrote upon one and the ſame piece of Paper, to be rated by the Poſt-maſter General, and to pay as ſo many ſeveral and diſtinct Letters, according to the Rates mentioned in the Stat. 9 *Ann. C.* 10. To be recovered as ſmall Tythes are by 7 & 8 *W.* 3. *C.* 6.

Stat. 6. *Geo. Ch.* 21. *Sect.* 50.

## CHAP. CLXIII.

### *Proceſs.*

TO commit to the County Goal, without Bail or Mainpriſe, till the next Aſſizes, Seſſions of *Oyer* and *Terminer*, and general Goal-Delivery, Perſons oppoſing or reſiſting any Officer or Officers, or any aiding or aſſiſting in the Execution of any Proceſs in *White-Fryers*, *Savoy*, *Salisbury Court*, *Ram Alley*, *Mitre-Court*, *Fuller's Rents*, *Baldwin's Gardens*, *Montague-Cloſe*, or the *Minories*, *Mint*, *Chink* or *Deadman's-place*. [Stat. 8. & 9. *W.* 3. C. 27.]

## CHAP. CLXIV.

### *Prophecies.*

PUblisher or Setter forth of any fantaſtical or falſe Prophecy, with an Intent to raiſe Sedition. Firſt Offence 10*l.* and one Year's Impriſonment. Second, Forfeits all his Goods, and Impriſonment during his Life. The Forfeitures to be divided between the Queen and the Proſecutor. The Proſecution to be within ſix Months. *Stat* 5. *Eliz. C.* 15. *Sect.* 2, 3.

*Surveyors.*

## CHAP. CLXV.

### *Purveyors.*

PErſons making Purveyance, or impreſſing Carriages, or other Things, by Colour of any Warrant under the Great Seal, or otherwiſe. To be committed to Goal till next Seſſions. At the Requeſt of the Party grieved. Stat. 12 *Car.* 2. *C.* 24. *Sect.* 16.

*Purveyor*, *Badger*, &c. bargaining for any Victual or Grain, in the Markets of *Oxford* and *Cambridge*, or in five Miles of them. Quadruple the Value thereof, and three Months Impriſonment, without Bail. Except when the Queen is there, or within ſeven Miles. Stat. 2 & 3 *P. & M. C.* 15. *Sect.* 2. —13 *Eliz. C.* 21.

## CHAP. CLXVI.

### *Quakers.*

BE it Enacted by the Authority of this Parliament, that after the 4th Day of *May*, *Anno. Dom.* 1696, every Quaker within this Kingdom, who ſhall be requir'd in any lawful Occaſion to take an Oath, where by Law an Oath is required, ſhall inſtead of the uſual Form, be permitted to take his or her ſolemn Affirmation in theſe Words, being alter'd by the 8th of *George*, which ſhall be adjudged and taken to be of the ſame Power and Effect, to all intents and purpoſes in all Courts of Juſtice, and other Places, as if ſuch Quaker had taken an Oath in the uſual Form.

No Quaker, or reputed Quaker ſhall by vertue of this Act, to give Evidence in any Criminal Caſe, or to ſerve on any Jury, or bear any Office or Place of Profit in the Government. [7 & 8 *W.* 3.]

## CHAP. CLXVII.

*An Act for granting the People called Quakers, ſuch Forms of Affirmation or Declaration, as may remove the Difficulties which many of them lie under.*

WHEREAS for giving ſome Eaſe to Scrupulous Conſciences, an Act was made in the Firſt Year of the Reign of their late Majeſties King *William* and Queen *Mary*, Intituled, *An Act for exempting their Majeſties Proteſtant Subjects, diſſenting from the Church of England, from the Penalties of certain Laws*, whereby (among other things) a Declaration of Fidelity in the Form therein expreſſed,

is appointed to be made and ſubſcribed by certain Perſons, Diſſenters from the Church of *England*, who ſcruple the taking of any Oath: And whereas an Act was made in the Seventh and Eighth Years of the Reign of his ſaid late Majeſty King *William* the Third, Intituled, *An Act that the Solemn Affirmation and Declaration of the People called Quakers, ſhall be accepted inſtead of an Oath in the uſual Form*, under the Proviſoes therein mentioned; which Act being at firſt Temporary, was afterwards farther continued by an Act made in the 13 & 14*th* Years of the Reign of his ſaid Majeſty; and the ſame Act is made perpetual by an Act made in the 1*ſt* Year of his preſent Majeſties Reign, by which laſt mentioned Act in Form, inſtead of the Effect of the Abjuration Oath, is prefcribed to be taken by the ſaid People called Quakers: And whereas the Inconveniencies to the ſaid People called Quakers, and their Families, and to others requiring their Teſtimony, in many Caſes are not ſufficiently avoided by reaſon of Difficulties among the ſaid Quakers relating to the Forms of the Declaration, Affirmation and Abjuration before mentioned, as the ſame are now preſcribed: And whereas it is evident, that the ſaid People called Quakers, have not abuſed the Liberty and Indulgence allowed to them by Law, and have given Teſtimony of their Fidelity and Affection to his Majeſty, and the Settlement of the Crown in the Proteſtant Line; and it is reaſonable to give them farther Eaſe and Relief: May it therefore pleaſe your moſt Excellent Majeſty, that it may be Enacted, and be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, that in all Caſes where by Law any Quaker is or ſhall be required or permitted to make and ſubſcribe the Declaration of Fidelity in the Form preſcribed by the ſaid firſt mentioned Act, or to make the Solemn Affirmation or Declaration in the Form preſcribed by the ſaid Act of the Seventh and Eighth Years of the Reign of his ſaid late Majeſty King *William* the Third, or to take the Effect of the Abjuration Oath in the Form preſcribed by the ſaid Act of the Firſt Year of his preſent Majeſties Reign, every ſuch Quaker ſhall, inſtead of ſuch firſt mentioned Declaration of Fidelity, make and ſubſcribe a Declaration of Fidelity in the following Words, *viz.*

I *A. B. do ſolemnly and ſincerely Promiſe and Declare, that I will be True and Faithful to King* George, *and do ſolemnly, ſincerely and truly Profeſs, Teſtifie and Declare, that I do from my Heart Abhor,*

*De-*

*Deteſt and Renounce, as Impious and Heretical, that wicked Doctrine and Poſition, That Princes Excommunicated or Deprived by the Pope, or any Authority of the See of* Rome, *may be Depoſed or Murthered by their Subjects, or any other whatſoever. And I do Declare, that no Foreign Prince, Perſon, Prelate, State or Potentate, hath or ought to have any Power, Juriſdiction, Superiority, Preheminence or Authority, Eccleſiaſtical or Spiritual, within this Realm.*

And inſtead of the Solemn Affirmation or Declaration in the Form preſcribed by the ſaid Act of the Seventh and Eighth Years of the Reign of his ſaid late Majeſty King *William* the Third, every ſuch Quaker ſhall make the Solemn Declaration or Affirmation following, *viz.*

*I A. B. do Solemnly, Sincerely and Truly Declare and Affirm.*

And all Perſons authorized or required to adminiſter or tender either the ſaid former Declaration of Fidelity, or the ſaid former Solemn Affirmation or Declaration, or the Effect of the Abjuration Oath, ſhall be and are hereby authorized and required to adminiſter and tender the ſame reſpectively to the ſaid People called Quakers, in the Words by this Act reſpectively appointed.

And be it further Enacted by the Authority aforeſaid, That the Declaration of Fidelity, and Solemn Affirmation or Declaration, and the Effect of the Abjuration Oath, appointed by this Act for the ſaid People called Quakers, inſtead of the reſpective Forms preſcribed for the ſame by the ſaid recited Acts, ſhall reſpectively be adjudged and taken to be of ſuch and the ſame Force and Effect, and no other, to all Intents and Purpoſes, in all Courts of Juſtice and elſewhere, as if ſuch Quaker had made and ſubſcribed the Declaration of Fidelity, or had made the ſolemn Affirmation or Declaration, or had taken the Effect of the Abjuration Oath, in the reſpective Forms appointed by the ſaid recited Acts: And if any Perſon making ſuch Affirmation or Declaration, as is appointed by this Act to be made, inſtead of the Affirmation or Declaration in the Form preſcribed by the before mentioned Act of the Seventh and Eighth Years of the Reign of his ſaid late Majeſty King *William* the Third, ſhall be lawfully convicted of Wilful, Falſe and Corrupt Affirming or Declaring any Matter or Thing, which, if ſworn in the common or uſual Form, would have amounted to Wilful and Corrupt Perjury, every ſuch Perſon ſo offending, ſhall incur and ſuffer ſuch and the ſame Pains, Penalties and Forfeitures, as are inflicted or enacted by the Laws and Statutes of this Realm againſt Perſons convicted of Wilful and Corrupt Perjury.

Provided always, That all Clauſes, Proviſoes and Exceptions, contained in the ſaid recited Acts, or any of them, not hereby expreſly altered or repealed, ſhall be of ſuch and the ſame Force and and Effect, as they were before the making of this Act. [8 *G.*]

*See more of* Quakers *under* Tythes.

## CHAP. CLXVIII.

### *Qualified Perſons to kill Game.*

IT is hereby enacted and declared, That all and every Perſon and Perſons not having Lands and Tenements, or ſome other Eſtate of Inheritance in his own or his Wife's Right, of the clear yearly Value of One Hundred Pounds *per Annum*, or for Term of Life, or having Leaſe or Leaſes of Ninety Nine Years, or for any longer Term, of the clear yearly Value of One Hundred and Fifty Pounds, other then the Son and Heir apparent of an Eſquire, or other Perſon of higher Degree; and the Owners and Keepers of Foreſts, Parks, Chaſes or Warrens, being ſtocked with Deer or Conies for their neceſſary Uſe, in reſpect of the ſaid Foreſts, Parks, Chaſes, or Warrens, are hereby declared to be Perſons by the Laws of this Realm, not allowed to have or keep for themſelves, or any other Perſon or Perſons, any Guns, Bows, Greyhounds, Setting-Dogs, Ferrets, Coney-Dogs, Lurchers, Hays, Nets, Low-bels, Hare-pipes, Gins, Snares, or other Engines aforeſaid; but ſhall be, and are hereby prohibited to have, keep, or uſe the ſame. [22. & 23. *C.* 2.]

*Game-Keepers lawfully Qualified by an Act of K.* George *are allow'd.*

## CHAP. CLXIX.

### *Quarentine.*

COmmander, Maſter or other Perſon having Charge of any Ship or Veſſel, coming from any Place viſited with the Plague, or having any Perſon on Board actually infected, not diſcovering the ſame, ſuch Commander, &c. are Guilty of Felony, without Benefit of Clergy. Stat. 7. *Geo.* C. 3. Seſſ. 1. Sect. 1.

Perſons not infected nor liable to Quarentine, who ſhall enter any Ship, &c. ſo appointed, *ut ſupra*; whilſt any Perſon infected or under Quarentine ſhall be therein, are not to return without a proper Licence, but muſt perform their Quarentine. And if ſuch Perſon ſhall actually eſcape, before they have fully performed their Quarentine: Felony *ut ſupra*. Stat 7 *Geo.* C. 3, Seſſ. 1. Sect. 8.

Watchmen

Watchmen appointed by Order of two Justices, when any Town, &c. is infected, neglecting or refusing to keep such Watch, or to procure some able and sufficient Person in his Stead. Upon Oath of one or more Credible Witness, Forfeit any Sum not exceeding 100 l. nor less than 10 l. One Moiety to the Informer, the other to the Poor where the Offence committed. To be levied by Distress and Sale of the Offenders Goods. And to be committed to Prison without Bail or Mainprize for two Months, and till Payment of the Sum adjudged. Ibid. Sect. 12.

Watchmen appointed, *ut supra*, who shall be guilty of any Breach or Neglect of their Duty. Liable to the same, *ut supra*. Ibid. S. 10.

Upon the Oaths of the Master in Person having the Charge of any Ship obliged to perform Quarentine, and of two of the Persons belonging to such Ship or Vessel; but two credible Witnesses, that such Ship, &c. and all and every Person and Persons have duly performed Quarentine, and are free from Infection: To give a Certificate thereof; after which such Ship, &c. are liable to no further Restraint. Ibid. *Sect.* 14. *Note*, In any Inland Place the Certificate must be signed by two Justices.

No more than one Shilling is to be taken for the Oath and Certificate over and above the Stamp Duty, on Forfeiture of One Hundred Pounds. One Moiety to his Majesty: The other to him that sues for the same. Ibid. *Sect.* 15 & 17.

All small Boats and Vessels under the Burthen of 20 Tons prohibited by his Majesty's Proclamation from sailing or passing out of any Port or Place of *Great Britain*, &c. in Time of Infection, till Security be given in 500 l. with Sureties as directed by this Act by Bond, with Condition, *That if such Boat or Vessel shall not go to, or touch at any Country, Port or Place to be mentioned for that Purpose in such Proclamation.* And if the Master or other Person, having Charge of such Boat, &c. or any Mariner or Passenger shall, during the Time of Infection, go on Board any other Ship or Vessel at Sea, or permit or suffer any Person to come on Board such Boat or Vessel at Sea, or shall receive any Goods or Merchandize whatsoever, out of any other Ship or Vessel. The Boat or Vessel, for which such Security shall be required by Proclamation, which shall sail before such Security be given, is forfeited together with Tackle, Apparel, &c. to the King, and may be seized, sued for, and recovered in his Majesty's Exchequer. The Master and Mariner of such Boat or Vessel being thereof convicted on the Oath of one or more credible Witnesses, forfeits 50 l. One Moiety to the Informer, the other to the Poor

of

of the Parish where such Offender shall be found. To be levied by Distress, &c. And for want of such sufficient Distress, to be committed to Prison, without Bail for Three Months. Ibid. *Sect.* 18.

Persons receiving or buying any Goods, Wares or Merchandizes, clandestinely run or imported contrary to Law, before the same shall be condemned, knowing the same to be clandestinely run or imported. Upon the Oath of one more credible Witness, Forfeit 10*l.* One Moiety to the Informer, the other to the Poor of the Parish where the Offence committed. To be levied, *ut supra*. For want of Distress to be committed, *ut supra*. Ibid. *Sect.* 19.

Officer and Person appointed to see Quarentine duly performed; or Watchman knowingly and willingly permitting or suffering any Person, Ship, Goods or Merchandize to depart, or be conveyed out of any Town, &c. infected, Unless in such Cases, and by such proper Licences, as shall be directed or permitted by Orders notified by Proclamation. Guilty of Felony without Benefit of Clergy. Ib. *Sect.* 24.

Persons aggrieved by any Judgment of any Justice or Justices for any Offence against this Act 7 *Geo.* 2. *c.* 3. may appeal to a Quarter-Sessions, who are finally to determine the same.

His Majesty may order Ships to be provided, or safe Houses or Lazarets to be erected for the receiving and entertaining of Persons infected with the Plague, or obliged to perform Quarentine, and also Sheds, Tents, and other Places proper for the depositing, opening, and airing of Goods and Merchandizes, to continue for such Term, as his Majesty shall think proper, in convenient Places within *Great Britain* and *Ireland*, to be allowed and appointed by Two or more Justices of the Peace for the County, &c. living near thereunto under their Hands and Seals, either in waste Grounds or Commons, or where such waste Grounds or Commons are not sufficient, in any other Grounds, not being a House, Park, Garden, Orchard, Yard, planted Walk or Avenue to a House, paying such Rate, Rent or Consideration for the same, as shall be agreed between the Persons interested, their Guardians or Trustees, and any Two Persons appointed by his Majesty under his Sign Manual. Ibid. *Sect.* 9.

Next Justices, when any Town or Place shall be infected with the Plague, or Lines and Trenches shall be made, &c. to order such sufficient Watches by Day and Night upon such Town, &c. as they shall think fit. And upon such Houses, Lazarets, Ships, or other Places for performing Quarentine, who shall not permit or suffer any Person, Ship, &c. to depart or be conveyed out of such Town, &c. so appointed for performing Quarentine without Licence. Ib. *Sect.* 10.

*Quarter*

*Quarter-Sessions* to adjudge, determine, assess, and settle Differences concerning such Rate, Rent, or Consideration between Persons interested, and the Persons appointed by his Majesty, for Grounds, where the Waste or Common is not sufficient; and their Judgment and Determination is final. Ibid. *Sect.* 5.

All Watches directed by Virtue of this Act, are to be maintained at the County-Charge or Riding, and the Money is to be raised as for County-Gaols and Bridges. To be paid to the Chief Constable of each Division, who is to distribute it according to the Order of Sessions. Ibid. *Sect.* 23.

Persons aggrieved by any Judgment of any Justice or Justices, for Offences against this Act, may appeal to Quarter-Sessions, who are finally to determine the same.

## CHAP. CLXX.

### *Plague.*

TO command any Person infected with the Plague, residing in an infected House, not to go out; and if he does afterwards go out, the Watchman may refuse him; and if any Hurt happen thereupon, the Watchman shall not be impeached for the same. Stat. 1 *Jac.* 1. *C.* 31. *Sect.* 7.

If any Person being infected with the Plague, who has no Sore upon him, go abroad, and converse in Company. To be openly whipped as a Vagabond, according to Stat. 39 *Eliz.* C. 4. Stat. 1 *Jac.* 1. *C.* 31. *Sect.* 7.

The Mayor, Bailiffs, Head Officers, and Justices of Peace; and where there are none, two Justices of the County may Tax the Inhabitants towards Relief of such as have the Plague, to be levied by Distress and Sale; and upon Refusal, to be committed till Payment. Stat. 1 *Jac.* 1. *C.* 31. *Sect.* 2.

These Taxes to be certified to the Quarter-Sessions.

## CHAP. CLXXI.

### *Quarter-Sessions.*

BE it Enacted, That so much of an Act made in the Eighteenth Year of the Reign of the late Queen *Elizabeth*, intituled, *An Act for the setting the Poor on Work, and avoiding Idleness*, as concerneth Bastards begotten out of lawful Matrimony, with this, That all Justices of the Peace within their several Limits and Precincts, and in their several Sessions, may do and execute all things concerning that

that Part of the ſaid Statute, that by Juſtices of the Peace in the ſeveral Counties are by the ſaid ſtatute limited to be done. [3. C. 1.]

## CHAP. CLXXII.

### *Quartering of Soldiers.*

From the 10th Day of *April*, 1697. no Inholder, Victualler, or other Perſon, ſhall be oblig'd to provide Meat or other Victuals for any Soldiers Legally Quartered on them (except in their March only) if they ſhall tender or give to each Horſeman Sixpence *per Diem*, for his Subſiſtance in Meat only; and to every Dragoon and Foot Soldier Four-pence *per Diem* for the ſame, beſides Candle, and the Uſe of his Fire for dreſſing his Meat: Provided, That each Inholder, Victualler, or other Perſon, ſhall furniſh for every Soldier Lawfully Quarter'd on them, Lodging, Small Beer, and Candle, with the Uſe of Fire to dreſs his Meat by, and Hay and Straw for their Horſes, at the Rates following, viz. For Small Beer, Fire, Candle, and Hay and Straw for a Light Horſeman and his Horſe, Sixpence *per Diem*, and the like for a Dragoon at Five-pence *per Diem*. The Officers and Soldiers of the Marine Regiments (being in Service in the Army) ſhall be ſubject to all the powers of this Act. [8. & 9. *W.* 3.]

Officers may Quarter Soldiers in Inns, Livery Stables, Alehouſes and Shops ſelling Brandy, private Houſes and Diſtillers excepted.

## CHAP. CLXXIII.

### *Rape.*

IT is Felony by the Common Law, for any Man who by Force on the Body of a Woman, hath Carnal Knowledge of her Body, ſhe not conſenting thereto, neither before nor after the Fact. If ſhe Conſents after the Fact, yet the firſt Act is a Rape, and if ſhe will not proſecute, yet her Huſband, if ſhe hath any may; if no Huſband then her Father or next Relation may appeal.

In *Scotland* the Woman ought to complain the ſame Day; but by our Law, ſhe is allowed Forty Days, but rather immediately, for concealing of it, implies a Conſent before the Fact.

Thoſe who aſſiſt any Perſon in committing a Rape are Principals.

CHAP

## CHAP. CLXXIV.

### *Recognizance.*

RECognizance, is a Bond wherein the Perſon or Perſons Bound do acknowledge to ſtand indebted to our Sovereign Lord the King in a certain Sum of Money for performance of a Condition as the Caſe is. Upon the Breach of which Condition a *ſcire facias* will come on the Party that breaks it; and it is uſual to bind the Principal in double the Sum that his Sureties give.

Where a Juſtice hath Power to bind any Perſon by Recognizance, he may commit him for refuſing. Theſe Recognizances muſt be return'd to the Aſſizes or Quarter-Seſſions, as the Caſe lies, notwithſtanding the Death of the King, or the Death of the Cogniz, or of the Party at whoſe Suit they are taken, though they are releaſt. And whatſoever is a Breach of the Peace, is a Forfeiture of this Recognizance. Calling another by opprobious Words, no Forfeiture; but threatning or aſſaulting, a Forfeiture. But beating any Perſon in the Defence of his Child, Father or Mother, Maſter, Goods or Poſſeſſions, is no Forfeiture.

## CHAP. CLXXV.

### *The Penalty of diſturbing of Preachers and Miniſters in the Church.*

BE it enacted by the Queen our Sovereign Lady, the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, that if any Perſon or Perſons of their own Power and Authority, at any time or times, after the 20*th* Day of *December* next coming, do, or ſhall willingly, and of purpoſe, by open and overtword, fact, act or deed, maliciouſly or contemptuouſly, moleſt, let, diſturb, vex or trouble, or by any other unlawful Ways or Means, diſquiet, or miſuſe any Preacher or Preachers that now is, or that at any time or times hereafter ſhall be licenced, allowed or authorized to Preach by the Queen's Highneſs, or by any Archbiſhop or Biſhop of this Realm, or by any other lawful Ordinary, or by any of the Univerſities of *Oxford* and *Cambridge*, or otherwiſe lawfully authorized or charged by reaſon of his or their Cure, Benefice, or other ſpiritual Promotion or Charge, in any of his or their open Sermon, Preaching, or Collation, that he or they ſhall make, declare, preach or pronounce in any Church, Chapel, Church-yard, or in any other Place or Places, uſed, frequented

quented or appointed, or that hereafter ſhall be uſed or appointed to be preached in.

And if Two Juſtices of Peace, ſhall upon their ſaid Examination, percieve the ſaid Perſon or Perſons ſo accuſed, guilty of any of the ſaid Offence or Offences, whereof he or they ſhall be ſo accuſed, and that by two ſufficient Witneſſes, or by his or their own Confeſſion or Confeſſions, that then, and immediately with convenient ſpeed, the ſaid two Juſtices ſhall commit and award the ſaid Perſon or Perſons ſo accuſed, as is aforeſaid, to the Goal, of, or for the ſaid *Shire*, *City*, *Borough*, *Liberty* or *Town-Corporate*, where the ſaid Offence or Offences was ſo committed, made or done, there to remain without Bail or Mainprize, by the ſpace of Three Months then next enſuing, and further to next Quarter-Seſſions, to be holden within the ſaid *Shire*, *City*, *Borough*, *Liberty* or *Town-Corporate*, next after the end of the ſaid Three Months: At which Quarter-Seſſions, the ſaid Perſon or Perſons ſo committed to the Goal as is aforeſaid, upon his or their Reconciliation and Repentance in that behalf, before the ſaid Juſtices of Peace, at the ſaid Seſſions, ſhall be diſcharged out of Priſon and Goal, upon ſufficient ſurety of his good Abaring and Behaviour, to be then and there taken, by the ſaid Juſtices for one whole Year, then next enſuing, as by the Diſcretion or Diſcretions of the ſaid Juſtices then, and there being, or of more part of them, ſhall be thought meet and convenient. And if the ſaid Perſon or Perſons ſo in Goal, as is aforeſaid, will not be reconciled, and repent at the ſaid Quarter-Seſſions, that then the ſaid Perſon or Perſons immediately in time convenient, ſhall be further awarded, and committed to the ſaid Goal, by the ſaid Juſtices, or by the more part of them, there to remain without Bail or Mainprize, until he or they ſo committed and awarded to Goal, as is aforeſaid, ſhall be reconciled, and be penitent for his or their ſaid Offence or Offences.

And be it further enacted by the Authority aforeſaid, That if any the Offenders aforeſaid, be not taken, apprehended or arreſted in time convenient, as is aforeſaid, but do Eſcape, or go away, that then the ſaid Eſcape, ſhall be lawfully preſented before the Juſtices of Peace in the ſaid *Shire*, *City*, *Borough*, *Liberty* or *Town-Corporate*, at the next Quarter-Seſſions to be holden, where the ſaid Eſcape was made and ſuffered, and that then the Inhabitants of the Pariſh, where the Eſcape was ſo ſuffered, ſhall Forfeit and Loſe to the Queen's Majeſty, her Heirs and Succeſſors, for every ſuch Eſcape 5 *l.* to be levied and taken as other like Amercements before this time, hath, and been levied and taken upon any Village, Hundred or

or Town for the Eſcape of any Murderer, or other Felon, for not making purſuit upon Hue and Cry, according to the Eſtature of *Winchester*, and the Eſtatute made and provided in the Third Year of the worthy King *Henry* the VII. [1 *M. Seſſ.* 2.]

This is confirm'd by the 1ſt of *Eliz.* *C.* 2. *ſect.* 2.

## CHAP. CLXXVI.

### *Religion.*

NO Acts of Parliament made in the 23d of *Eliz.* nor the 29th of *Eliz.* nor the 3d of *Jac.* I. nor the 25th of *Car.* II. againſt Popiſh Recuſants, nor the 30th of *Car.* II. ſhall be conſtrued to extend to any Diſſenters from the Church of *England*, that ſhall take the Oath, mentioned in a Statute, made this preſent Parliament, intituled, *An Act for preventing all Diſputes concerning the ſitting of this Parliament*; and ſubſcribe the Declaration, made in a Statute of the 30th of King *Charles* II. to prevent Papiſts from ſitting in either the Houſes of Parliament, to be adminiſtred at the Quarter-Seſſions.

Perſons that are already convicted of Recuſancy, that ſhall take the ſaid Oaths, and the Declaration aforeſaid, in the Exchequer, or Aſſizes, or Quarter-Seſſions, ſhall be diſcharg'd from the Penalties of the Acts aforeſaid. Nothing in this Act ſhall extend to exempt any Perſons from paying of Tyths or parochial Duties to the Church or Miniſter, nor from any Proſecution in any Eccleſiaſtical Court, or elſewhere for the ſame. No Preacher or Teacher in any Congregation of Diſſenting Proteſtants, ſhall preach in any Place, with Doors lockt, bard or bolted.

Diſſenting Proteſtants, that do ſcruple Baptizing of Infants, taking the ſaid Oaths, and ſubſcribing the ſaid Declaration, ſhall enjoy the Privileges and Advantages, that other Diſſenting Miniſters may have by this Act.

Miniſters, Preachers or Teachers of any Congregation, that ſhall ſubſcribe the ſaid Declaration, and take the Oaths, and ſubſcribe ſuch Articles mentioned in the 30th of *Eliz.* ſhall be exempted from ſerving on Juries, or being choſen or appointed to ſerve any parochial Office or Ward Office, or any other Office in any Hundred, Shire, City or Town.

Every Juſtice of the Peace may requite any Perſon that go to any Meeting for the Exerciſe of Religion, to make and ſubſcribe the Declaration, and take the ſaid Oaths, or Declaration of Fidelity, and upon their Refuſal, the Juſtices may Commit

ſuch Perſon to Priſon, and Certifie his Name to the next Quarter-Seſſions, and upon a ſecond Refuſal, he ſhall be Recorded, and taken for a Popiſh Recuſant Convict. Such Proteſtant Diſſenters as ſhall ſcruple to take an Oath, ſhall ſubſcribe the ſaid Declaration. Perſons refuſing to take the ſaid Oaths, ſhall not be admitted to take the Declaration, unleſs (within 21 Days after tender thereof) they ſhall produce Two Proteſtant Witneſſes to certify upon Oath, that they do believe him to be a Proteſtant, or a Certificate under the Hands of Four Proteſtants of the Church of *England*, or have taken the ſaid Oaths, or a Certificate under the Hands and Seals of Six or more of the Congregation to which he belongs, owning him to be one of them. Until ſuch Certificate or Witneſſes ſhall be produced a Juſtice of the Peace, ſhall take Recognizance of ſuch Perſon, with Sureties in 50 *l.* for producing the ſame, and for want of Security, the ſaid Juſtice ſhall commit him to Goal, there to remain till he ſhall produce ſuch Certificate or Sureties aforeſaid.

All Laws made for frequenting Divine Service on the *Lord's-Day*, ſhall be ſtill in force againſt all Perſons, except they come to ſome Aſſembly of Religious Worſhip appointed by this Act.

This Act ſhall not give Liberty to Papiſt or Popiſh Recuſants, nor to any Perſon that in preaching ſhall deny the *Holy Trinity*.

If any Perſon ſhall after the 10th Day of *June* next following come into any Church, Chappel or Congregation, permitted by this Act, and diſturb the ſame, or miſuſe the Teacher therein, upon Proof thereof by Two Witneſſes, before a Juſtice of the Peace, they ſhall find Sureties in Recognizance in 50 *l.* and for Default thereof, ſhall be committed to Priſon until the next Quarter-Seſſions, and there upon Conviction, ſhall Forfeit 20 *l.*

No Aſſembly for Religious Worſhip, ſhall be allowed by this Act, till the place of meeting be Certify'd to the Biſhop of the Dioceſs, or to the Arch-Deacon, or to the Juſtices of the Peace at the Quarter-Seſſions, and Regiſtred and recorded there, and a Certificate thereof given, without Fee or Reward. [1 *W.* & *M.*]

## CHAP. CLXXVII.

*Riots.*

JUſtices of the Peace, or Two of them at the leaſt, together with the Sheriff, or Under-Sheriff, ſhall by the Power of the County ſuppreſs Riots, Routs, and unlawful Aſſemblies, arreſt the Offenders, and Record what ſhall be done, by which Record the Offenders

ders ſhall ſtand Convict, as by the 15. *R.* 2. *C.* 2. as in Caſe of *Forcible Entry*. Which ſee in *Forcible Entry*.

If the Offenders be departed, the ſaid Juſtices and Sheriff, or Under-Sheriff, ſhall within One Month after make Enquiry. Juſtices of the Peace dwelling near the Place where ſuch Offences ſhall be committed, and Juſtices of Aſſize in their Aſſizes and Quarter-Seſſions, ſhall execute this Act, on pain to forfeit One Hundred Pounds. A Riot ſhall be enquired of or repreſſed at the King's Charge, which the Sheriff ſhall diſburſt by Indenture between the Juſtices and him, and ſhall be anſwer'd him again upon his Accompt in the Exchequer, and greater Fines ſhall be laid on Rioters than in Times paſt. [ *Stat.* 13. *H.* 4. *C.* 7. ]

*Note*, A Riot is where Three or more Perſons do meet to do an unlawful Act with Force, and accordingly do execute the ſame, otherwiſe it is only an unlawful Aſſembly. In Caſe of a Riot, there muſt be a precedent Intent to do an unlawful Act by Force.

## CHAP. CLXXVIII.

*Jurors impannel'd to inquire of Riot, and the Iſſues returned upon them. The Puniſhment of Maintainers, whereby a Riot is not found.*

WHEREAS in the Parliament holden at *Weſtminſter*, the *Tueſday*, the Morrow next after *All-Souls Day*, the 13th Year of the Reign of King *Henry* the IV. among other Things it was enacted, ordained and eſtabliſhed, That if any Riot, Aſſembly or Rout of People againſt the Law, were made in any Part of the Realm, that the Juſtices of the Peace, Three or Two of them at the leaſt, and the Sheriff or Under-Sheriff of the County where ſuch Riot, Aſſembly or Rout ſhould be done, after the ſame Statute, ſhould come with the Power of the Shire (if need be) to arreſt them, and them ſhould arreſt, and the ſame Juſtices and Sheriff or Under-Sheriff, ſhould have power to Record that which they ſhould find ſo done in their Preſence againſt the Law, and that by the Record of the ſame Juſtices and Sheriffs and Under-Sheriff, the ſame Treſpaſſers and Miſdoers ſhould be convicted in manner and Form, as it is contained in the Statute of *Forcible Entries*: With divers other Articles touching and concerning the Premiſſes, as in the ſame Statute made the ſaid Thirteenth Year more plainly at large it appeareth, which Statute is thought Good and Neceſſary: Wherefore by the Advice and Aſſent of the Lords Spiritual and Temporal, and the

the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, Be it therefore ordained, eſtabliſhed and enacted, that the ſaid Act made in the Thirteenth Year of King *Henry* IV. concerning Riots, Aſſemblies and Routs of People, and all and every Article and Articles comprized in the ſame, and alſo all other Statutes before this time made concerning the Puniſhment of Rioters, at the Time of the making of this Act being in Force, from henceforth ſtand in their Force, and be duly put in Execution, after the Tenor and Purports of the ſame. And forasmuch as in the ſaid Statute, made in the ſaid Thirteenth Year, it is not expreſſed of what Sufficiency the Jurors impannelled ſhould be, or what Iſſues they ſhould loſe if they appear not, nor no mention therein made of any Puniſhment of the Maintainers and Embracers of the Jurors, that ſo ſhall be empanelled, ſhould have for their Miſdemeanors, if any be: It is therefore furthermore enacted by the ſaid Authority in this preſent Parliament, that if any Riot, Rout, or unlawful Aſſembly be committed and done at any time after the Firſt Day of *May* next coming, within this Realm of *England*, that the Sheriff having a Precept directed to him, ſhall return 24 Perſons dwelling within the Shire where ſuch Riot, Rout, or unlawful Aſſembly ſhall be ſo committed and done, whereof every of them ſhall have Lands and Tenements within the ſame Shire to the Yearly Value of 20 *s.* of Charter-Land or Freehold, or 26 *s.* 8 *d.* of Copyhold, or of both, over and above all Charges, for to enquire of the ſaid Riot, Rout, or unlawful Aſſembly. And he ſhall return upon every Perſon, ſo by him empannelled, in Iſſues, at the Firſt Day 20 *s.* and at the Second Day 40 *s.* if that they appear not, and be ſworn to enquire of the Premiſies at the Firſt Day. And if Default be found in the Sheriff or Under-Sheriff, for returning of other Perſons, not being of the ſaid Sufficiciency, or return not Iſſues in Form aforeſaid, that the ſaid Sheriff ſhall Forfeit to our Soveign Lord the King for either 20 *l.* And if the ſaid Riot, Rout or unlawful Aſſembly be not found by the ſaid Jury, by reaſon of any Maintenance or Embracery of the ſaid Jurors, that then the ſame Juſtices and the Sheriff or Under-Sheriff over and above all ſuch Certificate that they muſt, and be bound to make, according to the ſaid Statute made the ſaid Thirteenth Year, ſhall in the ſame Certificate, certifie the Names of the Maintainers or Embracers in that behalf, if any be, with their Miſdemeanors that they know, upon pain of every of the ſaid Juſtices and Sheriff or Under-Sheriff to Forfeit 20 *l.* if the ſame Juſtices and Sheriff or Under-Sheriff have no reaſonable Excuſe, for

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non certifying of the ſame: Which Certificate ſo made ſhall be of like Force and Effect in the Law, as if the Matter contained in the ſame were duly found by the Verdict of Twelve Men. And every Perſon duly proved to be a Maintainer or Embracer of the ſame, ſhall Forfeit to our ſaid Sovereign Lord 20*l.* and as well the ſame Maintainers, as the Embracers ſhall be committed to ward, there to remain by the Diſcretion of the Juſtices. [19 *H.* 7. *C.* 13.]

## CHAP. CLXXIX.

### *Riotous Aſſemblies.*

IF any Perſons to the Number of Twelve or more, being unlawfully and riotouſly, and tumultuouſly aſſembled, to the Diſturbance of the Peace of this Kingdom, and being required and commanded by One or more Juſtice or Juſtices of the Peace, or by the Sheriff of the County, or his Under-Sheriff, or by a Mayor, Bailiff, or other Head-Officer, by Proclamation in the King's Name to diſperſe themſelves, and peaceably to depart to their Habitations; and if any ſhall, to the Number aforeſaid, notwithſtanding ſuch Proclamation made, unlawfully, riotouſly, and tumultuouſly remain and continue together, for the Space of One Hour after ſuch Proclamation made, ſuch continuing together ſhall be Felony without Benefit of Clergy. And all and every ſuch Officers as aforeſaid, are commanded upon Notice or Knowledge thereof, to reſort to ſuch Aſſembly, and make or cauſe the ſaid Proclamation to be made or read.

And if any Perſons as aforeſaid ſhall continue together, and ſhall not diſperſe themſelves within One Hour after ſuch Proclamation made, then every Juſtice of the Peace, and ſuch Officers as aforeſaid, and High and Petty Conſtables, and all other Perſon or Perſons as ſhall be commanded to be aiding and aſſiſting to them, ſhall ſeize and apprehend ſuch Perſons ſo aſſembled together, and forthwith to convey them before One or more Juſtice or Juſtices of the Peace where they ſhall be apprehended: And if the Perſons ſo aſſembled ſhall happen to be kill'd, maim'd or hurt, by being diſperſt, then all ſuch Officers that diſperſt them, and Perſons aiding them, ſhall be free and indemnified. And if any ſuch Perſons as aforeſaid ſhall pull down, demoliſh, or begin to pull down or demoliſh any Church, Chappel, or any Building appointed for Religious Worſhip, they ſhall be adjudged Felons without Benefit of Clergy. And any Perſon or Perſons that ſhall hinder by Force of Arms any Perſon from making of Proclamation as aforeſaid, it ſhall be adjudged Felony without

without Benefit of Clergy. And if ſuch Perſons to whom ſuch Proclamation ſhall be made, ſhall not depart and diſperſe themſelves within One Hour after ſuch Proclamation made, they ſhall be adjudged Felons without Benefit of Clergy. And if any ſuch Church, Chappel, or Place for Religious Worſhip, or any Dwelling-Houſe, Barn, Stable, or Out-Houſe, ſhall be demoliſh'd or pull'd down as aforeſaid, then the Inhabitants of the ſame Hundred ſhall yield and pay to the Parties grieved their Damages, to be recovered in the ſame Manner and Form as Money recovered by any perſon Robb'd, as by the 27th of *Eliz.* To be proſecuted within Twelve Months. [ 1. *G.* ]

*Note*, It is the uſual Practice to bind the Rioters to Quarter-Seſſions or Aſſizes, and there Indict them.

The Proclamation.

*OUR Sovereign Lord the King chargeth and Commandeth all Perſons being Aſſembled, immediately to diſperſe themſelves, and Peaceably to depart to their Habitations, or to their lawful Buſineſs, upon the Pains contain'd in the Act made in the Firſt Year of King* George, *for preventing Tumults and Riotous Aſſemblies.*

## CHAP. CLXXX.

### *Robberies.*

TO take the Oath of the Perſon robbed, whether he knows the Perſon who robbed him, or any of them; and if he knows any of them, he is to enter into ſufficient Bond to proſecute the Perſon or Perſons, ſo by him known, by Indictment, or otherwiſe, according to Law. Stat. 27 *Eliz.* C. 13. *Sect.* 11.

Two Juſtices dwelling within, or near the Hundred, where the Robbery is committed, ſhall ſet a Tax upon every Pariſh within the Hundred, for the Payment of the Money, whereof the Party is robbed. Stat. 27 *Eliz.* C. 13. *Sect.* 5. *Quor* 1.

## CHAP. CLXXXI.

### *Sacrament.*

THREE Juſtices of the Peace may take Informations on the Oaths of Two Witneſſes againſt any Perſon that ſhall ſpeak or do any thing in contempt of the Holy Sacrament, and may bind over the Witneſſes in Recognizance in Five Pounds, to proſecute at the next Quarter-Seſſions, and may ſend out Two Writs of *Capias exigend & Capias Ut lagat*, againſt Contemners of the Holy Sacrament,

ment, in all Counties and Liberties, and upon their Apperance, to Impriſon them, or take ſufficient Bail for their Appearance at Quarter-Seſſions, there to Try'd and Find.

And may ſend a Writ in the King's Name, to the Biſhop of the Dioceſs where the Contemner committed the Offence, by which Writ he ſhall be oblig'd to appear, and to be preſent himſelf (or ſome for him ſufficiently Learn'd) at the Tryal of the ſaid Perſon, to give Advice concerning the Offence committed. [1 *Ed.* 6. *C.* 2.]

## CHAP. CLXXXII.

*An Act againſt Journeymen Shoe-makers.*

*The Firſt Part of this Act relates only to the Limits of the Weekly Bills of Mortality.*

BE it enacted, that every Perſon who ſhall Buy, or take in Pawn from any Journeyman Shoe-maker or other Perſon any Boots, Shoes, or Materials for making them, not being the proper Goods of him that ſells them, or Pawns them, ſhall on Conviction, by the Oath of one Witneſs before one Juſtice of the Peace, ſhall make ſufficient Recompence, as ſhall be awarded by the ſaid Juſtice, or elſe be Subject to Diſtreſs, or ſuch Puniſhment as is hereby inflicted on Journeymen Shoe-makers, *viz.* to be Whipt Publickly where the Offence was committed; and for the Second Offence to be committed to the Houſe of Correction for any time, not exceeding one Month, nor leſs then Fourteen Days.

All Perſons retain'd in making up of Shoes or Boots, or other Things belonging to his Trade, by any one Maſter, that ſhall neglect the Performance thereof, by ſuffering themſelves to be imployed by any other Maſter, before he or they ſhall have compleated the ſame, and finiſht the Work as firſt deliver'd to them, on Conviction by the Oath of one Witneſs, before one Juſtice, ſhall be ſent to the Houſe of Correction to be kept at hard Labour for any time not exceeding one Month. Perſons aggrieved hereby may appeal to the next Quarter-Seſſions. [9. *G.*]

## CHAP. CLXXXIII.

*Severn.*

TWO Juſtices of the Peace may ſend out their Warrants upon Information, or their own Knowledge, againſt unlawful Fiſhing in the River *Severn*, to ſearch all ſuſpected Places, for unlawful Inſtruments to take Fiſh therein, and to ſeize them, and bring them to the Quarter-Seſſions, there to be deſtroy'd. [30 *Car.* 2. *C.* 9.]

Whereas in the ſeveral Acts of Parliament heretofore made for the Preſervation of Fiſhing within the Rivers of this Realm, have hitherto proved ineffectual in reſpect to the Rivers *Severn*, *Dee*, *Wye*, *Teame*, *Were*, *Tees*, *Ribble*, *Merſey*, *Don*, *Air*, *Ouse*, *Swaile*, *Calder*, *Wharf*, *Eure*, *Darwent* and *Trent*, for want of a due Encouragement to be given to ſuch Perſons who could Diſcover the many illegal Practices and Abuſes daily therein, and by reaſon of the Dilatorineſs and Expenſiveneſs of the Suits and Proceedings Directed by the ſaid Acts for puniſhing ſuch Abuſes: Wherefore for Remedy thereof, and for the better ſecuring the Spawn, Fry and Young Breed of Salmon, in the ſaid Rivers, Be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever ſhall at any time hereafter, lay or draw any kind of Nets, Engines or Devices, or willfully do or commit, or cauſe to be done or committed, any other Act whatſoever in the ſaid Rivers, or in any of them, whereby the Spawn, or ſmall Fry of Salmon therein, or any Kepper, or Shedder-Salmons, or any Salmon not being in Length Eighteen Inches or more, from the Eye to the extent of the middle of the Tail, ſhall be taken, killed or deſtroyed, or ſhall hereafter make, erect or ſet any Bank, Dam, Hedge, or Stank, Net or Nets, croſs the ſaid Rivers, or any part thereof, whereby the Salmon therein may be taken, or hindred from paſſing or going up the ſaid Rivers to Spawn, or ſhall at any time hereafter, between the laſt Day of *July*, and the 12th Day of *November* for ever, by or with any Net, Device, Engine, Ways or Means whatſoever, take, kill, deſtroy, or willfully hurt any Salmon of any kind or ſize whatſoever, in the ſaid Rivers, or ſhall at any time after the ſaid 12th Day of *November*, Fiſh there for Salmon with other Net or Nets than what is or are allowed of by an Act of Parliament made in the Firſt Year of the Reign of Queen *Elizabeth*, intituled, *An Act for Preſervation of Spawn and Fry of Fiſh*, and by another Act made in the Thirtieth Year of the Reign of our late Sovereign Lord King *Charles* the II. intituled, *An Act for the Preſervation of Fiſhing in the River Severn*, every Perſon ſo offending in any of the ſaid Caſes, who ſhall be convicted thereof before any Juſtice or Juſtices of Peace of the County wherein the ſaid Offence ſhall be committed, either upon View of ſuch Juſtice or Juſtices, by Confeſſion of ſuch Offender, or by one or more credible Witneſs or Witneſſes upon Oath (which Oath every ſuch Juſtice of Peace is hereby impowered to Adminiſter) ſhall Forfeit the Sum of 5 *l.* for every ſuch Offence, beſides the Fiſh ſo taken, and the Nets, Engins and Devices uſed in ſo doing or committing the ſame; one

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Moiety of the said Sum to be paid to the Informer or Informers, and the other Moiety thereof to the Poor of the Parish where the said Offence shall be committed; to be Levied by Distress and Sale of the Offenders Goods and Chattels, by Warrant under the Hand and Seal of the Justice or Justices of Peace before whom he shall be Convicted, as aforesaid, rendring the Overplus, if any be, over and above the Charges of the Distress, to the Person so Distrained; and for want of such Distress the Offender shall be committed to the House of Correction, or other County-Goal or Prison, for any time not exceeding Three Months, nor less than one Month, there to be kept to hard Labour, and suffer such other Corporal Punishment as the said Justice or Justices, upon consideration of the Circumstances of such Offence, shall think fit; and the said Justice or Justices of the Peace, before whom the Person so offending shall be Convicted shall Order such Nets, Engines and Devices, made use of in taking such Fish, to be seized, and immediately cut in Pieces, or otherwise destroyed in his or their Presence, and shall also Cause such Banks, Dams, Hedges or Stanks, made or erected cross the said River, to be Demolished and Removed at the Charges of such Offender; such Charges, if not paid down on Conviction, to be Levied in the same manner as the said Sum of 5 l. is appointed to be Levied.

And whereas several Fishmongers of *London*, and other Cities and Towns by themselves or their Agents, frequently Buy and Contract with the Fishermen using the said Rivers of *Severn*, *Dee*, *Wye*, *Teame*, *Were*, *Tees*, *Ribble*, *Mersey*, *Dun*, *Air*, *Ouze*, *Swale*, *Calder*, *Wharf*, *Eure*, *Darwent* and *Trent*, or others imployed by them, for great Quantities of Salmon to be taken in the said Rivers, which gives great Encouragement to the taking Salmon there of unsizeable Lengths, and at unreasonable Times; Be it therefore further enacted, that no such Salmon shall be sent to *London* to such Fishmongers, or their Agents, that shall weigh less than six Pounds each Fish; and every Person buying, selling or sending any such Salmon, of less weight than six Pounds, who shall be convicted thereof in manner, as aforesaid, shall forfeit the Sum of 5 l. for every such Offence, besides the Fish so to be Bought and Sold; one Moiety of the said Sum and Fish to be paid and distributed to the Informer or Informers, and the other Moiety thereof to the Poor of the Parish where such Offence shall be committed; the said Sum if not Paid upon Conviction, to be Levied by Distress and Sale of the Offenders Goods and Chattles, by Warrant under the Hand and Seal of the Justice or Justices of Peace, before whom he shall be convicted, as aforesaid,

rendring the Overplus, if any be, over and above the Charges of such Diſtreſs, to the Owner; and in Default of ſufficient Diſtreſs, the Offender ſhall be committed by ſuch Juſtice or Juſtices to the Houſe of Correction, or other County Goal or Priſon, there to be kept to hard Labour, for the ſpace of Three Months, unleſs the ſaid Forfeiture ſhall be in the mean time paid.

Provided, that where any Offender in the ſaid Rivers, or in any of them, ſhall be puniſhed by force of this Act, he ſhall not be proſecuted, nor incur the Penalty of any other Law or Statute for the ſame Offence. Provided alſo, and it is hereby enacted, that all Perſons who ſhall think themſelves aggrieved by any Judgment of any Juſtice or Juſtices of the Peace, in any of the Caſes aforeſaid, may appeal to the Juſtices of the Peace of the County, City or Place, where ſuch Judgment ſhall be given, at their next General Quarter-Seſſions, who are hereby impower'd to hear and finally determine the ſame. [1. G.]

*Note*, Watering Hemp or Flax in the River Severn, 5 l. for every Offence, one Moiety to the Poor, the other to the Proſecutor. Stat. 32 Car. 2. C. 9. Sect. 1. Foreigners who ſhall uſe for 3 Years, the Trades of breaking, hitcheling or dreſſing Hemp or Flax, are to take the Oaths of Allegiance and Supremacy.

## CHAP. CLXXXIV.

*Severn.*

IN this Law is a Form of Commiſſioners under the Great Seal, and Six of the Commiſſioners are allow'd to be a Court of Record, they have Powers to make Orders, which have force of Judgment, and they have Power to iſſue out Proceſs, to compel the Performance thereof. They cannot intermedle, unleſs it is in Caſes of publick Prejudice, as well as in publick Streams, they have Power over a Perſon that Offends, by Fine, Amercement or Impriſonment; over Goods by Diſtreſs and Sale; over Lands, by charging them or Sale, except they lie on Ascent, where there is no Danger of Inundation. [7 Ed. 6. C. 8.]

By theſe Acts, Six Commiſſioners have Power to make Writs, and direct them, with Precepts and Warrants, or other Commandments, to all Sheriffs, Bailiffs, and other Officers, to cauſe them to come before them at a Day and Place prefixt, and ſuch Perſons as they ſhall think fit, to Survey the Walls, Banks, Gutters, Gates, Sewers, Mills, Locks, Caſeies, Ponds, Bridges, Rivers, Streams, Water-

Water-Courſes, Trenches, Fiſh-garths, Flood-gates, and other Impediments and Annoyances; and accompliſh, fulfil, hear and determine all and ſingular the Premiſes in due Form; and all ſuch as they find negligent or gain-ſaying in Reparations or Reformation of the Premiſes, or negligent in the Execution of the Commiſſion, they are to compel them by Fines, Amerciaments and Diſtreſſes, or by any other Puniſhments, Ways or Means, as ſix of them, whereof *&c.* to be Three; and the ſaid Commiſſioners may appoint Expenditors, and diſtrain for all Arrearages. No Perſon may act as a Commiſſioner without being Sworn, or if Sworn not having Lands and Tenements, or other Hereditaments in Fee, Simple Fee, Tail, or for Term of Life, of the clear Yearly Value of Eleven Marks, above all Charges, except a Reſiant and Free of any City, Borough or Town-Corporate, and have moveable Subſtance of the clear Value of 100 *l.* or elſe be Learned in the Laws of this Realm, viz. admitted for a Barriſter, ſhall Forfeit 10*l.* for every Offence, the ſaid Commiſſioners have Power to allow ſuch Fees and Wages to their Clerks, for Writing Books and Proceſs, as they ſhall think fit, and direct Orders to the Expenditors for that purpoſe.

And Acts, Ordinances and Decrees, made by the ſaid Commiſſioners, ſhall endure the Time of their Commiſſion, viz. three Years; to Counties Palatine Two Commiſſions ſhall be granted, one under the Great Seal, and the other under the Seal of the County. [23. *H.* 8. *C.* 5.]

Enacted, That the Walls, Ditches, Banks, Gutters, Sewers, Gates, Cauſeways, Bridges, Streams and Water Courſes, within two Miles of the City of *London*, which have their Courſe and Fall into the River of *Thames*, ſhall be from henceforth to all Intents and Purpoſes as fully ſubject to the Commiſſion of Sewers, and to all the Statutes made for Sewers, and to all Penalties in the ſaid Statutes contain'd, as if the ſaid Places were near *London*, and had been particularly in the Statute of Sewers; or that therein the Water had ebb'd and flow'd, and therein free Paſſage with Boats and Barges to the Sea had heretofore been uſed. [3 *Jac. C.* 8.]

The Statute of the 23d of *H.* 8. *C.* 5. and all Commiſſions of Sewers ſhall extend and give Authority for the Commiſſioners therein named, for the County of *Glamorgan*, and Six of them (whereof Three of them to be of the *Quorum*) ſhall by this Act, and by the ſaid Act of *H.* 8. and Commiſſion, have Power to make Laws, Ordinances and Decrees in the ſaid County, for the Redreſs and ſaving of Grounds there from Hurt and Deſtruction by reaſon of Sand riſing

out

cut of the Sea, and driven to Land by Wind and Storms, as they may do by the ſaid former Act and Commiſſion. [ 1. *M.* C. 2. ]

All Commiſſions of Sewers ſhall continue in Force for Ten Years after the Date thereof, unleſs they be repealed by a New Commiſſion, or *Superſedeas*. And that all Laws, Ordinances and Conſtitutions, duly made according to the 23d. of *H.* 8. being written in Parchment, and Indented under the Hands and Seals of the Commiſſioners, or any Six of them, ſhall without any Certificate into Chancery, and without the King's Aſſent, be in Force, notwithſtanding any Determination of the Commiſſion by *Superſedeas*, until the ſame Laws, Ordinances and Conſtitutions, ſhall be altered, repealed, or made void by the Commiſſioners that ſhall be afterwards aſſign'd.

And after the End of Ten Years, next after the Teſt of the ſaid Commiſſion, all Laws, Ordinances and Conſtitutions made by Vertue thereof, and written in Parchment, Indented and Sealed as aforeſaid, ſhall, notwithſtanding the Determination of ſuch Commiſſions, continue in Force one whole Year after the ſaid Ten Years are expired; during which Time, the Juſtices of the County or Counties whither it is directed, or Six of them, ( Two of the *Quorum* ) have Power to execute ſuch Commiſſion, and all Laws and Ordinances, as fully as the Commiſſioners could have done; except a New Commiſſion in the *Interim* ſhall be ſent. [ 13. *E.* C. 9. ]

Whereas by the Laws now in Force concerning Commiſſioners of Sewers, it is provided, that if any perſon or perſons being aſſeſſed or taxed to any Lot or Charge for any Lands, Tenements or Hereditaments, within the Limits of ſuch Commiſſion, do not pay the ſaid Lot and Charge, according to the Order and Aſſignment of the Commiſſioners, that then they may for Non-payment thereof, decree and ordain the ſaid Lands and Tenements from the Owner or Owners thereof and their Heirs, to any perſon or perſons for Term of Life, or Term of Years, Fee Simple or Fee Tail, for Payment of the ſaid Lot or Charge: Which ſaid Decrees ſhall be binding to all Perſons that at the making thereof had any Intereſt in the ſame, their Heirs and Peoffees, and ſhall alſo bind the Lands of the King of *England*: But the ſaid Laws of Sewers have been found defective, in that ſufficient Power and Authority is not thereby given to Commiſſioners of Sewers to make Sale of Copyhold or Cuſtomary Lands, within the Limits of their Commiſſion for the Cauſes aforeſaid: For Remedy whereof, Be it enacted, That from and after the 25th Day of *March*, 1709, it ſhall and may be Lawful to and for the Commiſſioners authorized by Commiſſion from her Majeſty, her Heirs and Succeſſors

Succeſſors, or any Six of them, to put in Execution the Laws now in Force concerning Sewers, for Non-payment of any Lot or Charge aſſeſſed or charged on any Copyhold or Cuſtomary Lands, within the Limits of the Execution of their Commiſſion; and by the Authority of the ſame, to decree and ordain the ſaid Copyhold or Cuſtomary Lands, ſo charged, from the Owner or Owners thereof, or any claiming in Remainder under them at the Time of ſuch Decree made, had in the ſame Copyhold and Cuſtomary Lands, Tenements or Heriditaments: The ſaid Decrees to be made and executed as Decrees concerning Freehold Lands are by the Laws now in Force.

All Perſons to whom Sale ſhall be made of ſuch Copyhold or Cuſtomary Lands, *&c.* before they enter into or take any Profits thereof, compound with the Lords of the Mannors for the Fines which have been formerly paid; and Six of the ſaid Commiſſioners may by their Warrants levy all Sums of Money charged on Lands chargeable for the ſame. And that all Perſons authorized and appointed by the Mayor, Aldermen, and Commons of the City of *London*, ſhall and may put in Practice within the ſaid City, and Liberties thereof, all Powers and Authorities given to, and veſted in any Commiſſioners of Sewers in any County. [ 7. *A.* ]

## CHAP. CLXXXV.

### *Sope.*

OFficers muſt allow for all *Rotten Sope*, or Cuttings of *Good Sope*, after the Duty hath been paid; and a third Part for all *Sope* that ſhall be ſpent in making Serges, Cloths, Kerſes's, Bays, Stockings, or other Manufactures made of Sheep or Lambs Wool. [ 12. *A.* ]

## CHAP CLXXXVI.

### *Squibs.*

AFTER the 25th of *March* 1698. No Perſons of what Age, Sex, Degree or Quality ſoever, ſhall Make, Sell or Utter, or expoſe to Sale any Squibs, Rockets, Serpents or other Fireworks, or any Caſes, Molds or other Implements for the making of ſuch Fireworks, or permit any ſuch Fireworks to be thrown or fired, out of or in their Houſes or Lodgings, or any part or place thereto adjoining into any publick Street, Highway, Road or Paſſage; nor throw or fire, or be aiding in the throwing or firing of

of any ſuch Fireworks, in or into any publick Street, Houſe, Shop, River, Highway, Road or Paſſage; but every ſuch Offence ſhall be adjuged a Common Nuſance.

After the ſaid 25 of *March*, any Perſon, as aforeſaid, who ſhall make, give, ſell or utter, or expoſe to ſale any Squibs, Rockets, Serpents or other Fireworks, or any Caſes, Molds or other Implements for making thereof, and be convicted thereof before one or more Juſtice of the Peace of the County or Diviſion, or chief Magiſtrate of the Place where ſuch Offence ſhall be committed, by Confeſſion of the Party, or Oath of two Witneſſes, ſhall for every ſuch Offence Forfeit 5 *l.* And any Perſons whatſoever, who after the ſaid 25th of *March*, ſhall permit or ſuffer any ſuch Fireworks to be thrown or fired from, out of, or in their Houſes, Shops, Dwellings, Lodgings or Habitations, or any part or place thereto belonging, into any publick Street, High-way, Road or Paſſage, or any other Houſe or Place whatſoever, and ſhall be convicted thereof, as aforeſaid, ſhall for every ſuch Offence forfeit 20 *s.* the ſaid ſeveral Forfeitures to be Levied by Diſtreſs and Sale of the Goods and Chattels of the Offender, by Warrant of the ſaid Juſtices or Chief Magiſtrate; one half to the Uſe of the Poor of the Pariſh, and the other to the Proſecutor.

After the ſaid 25th of *March*, any Perſons as aforeſaid, who ſhall throw or fire, or aſſiſt in the throwing or firing any ſuch Fireworks, in or into any publick Street, Houſe, Shop, River, High-way, Road or Paſſage, and be thereof convicted, as aforeſaid, ſhall for every ſuch Offence forfeit 20 *s.* to the Uſes aforeſaid, and pay the ſame immediately to the ſaid Juſtices or chief Magiſtrate, or be ſent to the Houſe of Correction, there to be kept to hard Labour for any Time, not exceeding One Month, unleſs ſuch Offender ſooner pay ſuch Forfeiture.

The Maſter, Lieutenant or Commiſſioners of the Ordnance, or any other Perſons by them Authorized, may give Orders for the making any ſorts of Fireworks, to be uſed and fired according to the Orders and Directions of the ſaid Maſter, Lieutenant or Commiſſioners of the Ordnance, or other Perſons by them Authorized for that purpoſe.

The Artillery Company of the City of *London*, or any other Artillery Company or Society of Perſons, Lawfully met together for the Uſe and Exerciſe of Arms, the Trained Bands and Militia of the Kingdom, may make and uſe any ſorts of Fireworks, in the Exerciſe of Arms and Warlike Exploits only, as they might Lawfully have done before the making of this Act.

Perſons

Perſons ſued for putting this Act in Execution, may plead the general Iſſue, and give the ſpecial matter in Evidence; and if the Plaintiff be Nonſuit, or Diſcontinue, or a Verdict paſs, or Judgment be given for the Defendant, ſuch Defendant ſhall have full treble Coſts. *Stat.* 9 & 10. *W.* 3. *C.* 7.]

*Stealing of Hawks.* If any Perſon ſteals a Hawk, or do contrary to the 34 *Ed.* 3. *Ch.* 22. it ſhall be done with him, as with a Thief that ſteals a Horſe, or other Thing. [37 *E.* 3. *C.* 19.]

*Stealing of Women*, againſt their Conſents, Felony.

## CHAP. CLXXXVII.

### *Sunday.*

IF any Perſon ſhall not repair to ſome Church or Chappel on every *Sunday*, to hear Divine Service and Sermon, and ſhall not there abide orderly and ſoberly during all the time, ſhall forfeit 1 *s.* for every Default, to be levy'd on the Offenders Goods, except the Party ſhall give good Reaſon for his Abſence. Proſecution muſt be within one Month after the Offence, by one Witneſs, or the Parties Confeſſion, before one or more Juſtices, who may grant his or their Warrant to call him or them, and then grant a Warrant to the Church-wardens to levy the ſame by Diſtreſs and Sale of the Offenders Goods, and for want of Diſtreſs, to commit the Offender to Priſon, there to remain till the Penalty ſhall be paid for the Uſe of the Poor of the Pariſh where the Offence was committed. [1 *E.* C. 2. — 3 *Jac.* C. 4.]

Be it enacted, that every Perſon above the Age of Sixteen Years, that ſhall not repair to ſome Church or Chappel, or uſual Place for Common-Prayer, according to the Statute made in the 1*ſt* Year of his Majeſties Reign, for the Uniformity of Prayer, ſhall forfeit to the Queen's Majeſty 20 *l.* for every Month; and beſides the ſaid Forfeiture, ſhall find ſufficient Sureties for their good Behaviour, until the Perſon ſhall confirm him or herſelf according to the true intent and meaning of this Statute; but this cannot extend to Proteſtant Diſſenters, ſince by the Acts of *W.* & *M.* and *A.* they are exempted from penal Laws.

If any Perſon ſhall keep a School-maſter, that ſhall not repair to Church as aforeſaid, or be allowed by the Biſhop or Ordinary of the Dioceſs, ſhall forfeit 10 *l.* for every Month for ſo doing, and ſuch School maſter or Teacher, preſuming to Teach contrary to this Act, ſhall be diſabled to be a Teacher of Youth, and be impriſon'd for one Year, without Bail or Mainpriſe.

The Offences against this Act may be punisht by Justices of the Peace, or prosecuted in any Court of Record, the Fine to be paid within Three Months after the Offence, else to be committed to Prison, there to remain until the Fine shall be paid, or conform himself to go to Church as aforesaid; the Fine being one Third part to the King, the other to the Poor of the Parish, and the other to the Prosecutor. [4 E. c. 1.]

Be it enacted, that there shall be no Concourse, Meetings or Assemblies of People out of their own Parishes on the *Lord's-Day* for any Sports or Pastimes whatsoever; nor any Bear-baiting, Bull-Baiting, Interludes, or Common Plays or unlawful Exercises used by any Person or Persons in their own Parish; the Offender being convicted thereof by the Oath of one Witness, or by the Parties Confession, or view of a Justice or Chief Magistrate, shall forfeit 3 *s.* and 4 *d.* for the Use of the Poor of the Parish where the Offence was committed, to be levy'd by Distress and Sale of Goods, by a Warrant from one Justice, directed to the Constable and Church-wardens; for want of sufficient Distress, to sit in the Stocks Three Hours, Prosecution within One Month. [1 *Car.* 1.]

Be it enacted, that no Carrier with Horses, nor Waggoner with any Waggon, nor Carman with any Cart, nor Wainman with any Wain, nor Drovers with any Cattle, shall by themselves, nor any other Person Travel on the *Lord's-day*, on Forfeiture of 20 *s.* for every Offence.

If any Butcher shall Kill, sell, or cause to be Killed or Sold, any Meat on the *Lord's-day*, he shall forfeit for every such Offence 6 *s.* and 8 *d.* Proof must be by the Oaths of two Witnesses before one or more Justices, or Confession of the Party, or in view of the Justice. Prosecution must be within six Months, for the Use of the Poor of the Parish where the Offence was committed; the Justice may Reward the Prosecutor with one 3*d* part of the Forfeiture. [3 *Car.* 1. C. 2.]

No Tradesman, Artificer, Workman or Labourer, or any other Person whatsoever (being of the Age of 12 Years and upwards) shall do or exercise any Worldly Labour or Business, or Work of their ordinary Callings any part of the *Lord's day* (Works of Mercy, Charity and Necessity only excepted) to forfeit 5 *s.* for every Offence, for want of Distress, to sit in the Stocks Two Hours; and that no Person shall cry publickly, or shew forth or expose to Sale any Wares, Merchandizes, Fruit, Herbs, Goods or Chattles whatsoever, upon any part of the *Lord's day*, upon the Forfeiture of the Goods so cry'd, or exposed to Sale as aforesaid. And that no Driver, Horse Courses, Wag-

Waggoner, Butcher, Higler, nor any of their Servants, shall Travel, or come into his or their Inn or Lodging on part of the *Lord's-day*, upon the Forfeiture of 20 *s.* for every Offence. And that no Person shall on the *Lord's-day*, Use, Imploy or Travel with any Boat, Wherry, Lighter or Barge (except allowed by some Justices of the Peace) upon the Forfeiture of 5 *s.* for every Offence. All Fines and Forfeitures aforesaid, are to be levy'd by Warrant from one or more Justices of the Peace, by the Oaths of one or more Witnesses within Ten Days after the Offence was committed for the Use of the Poor of the Parish, the Justice may reward the Informers as he shall think fit. Except out of this Act, Dressing of Meat in Families, Cook-Shops or Victualling-Houses, and selling of Milk before Nine of the Clock in the Morning, and after Four in the Afternoon. No Person travelling on the *Lord's-day*, that shall be robb'd, shall be repaid by the Hundred; nor no Person shall serve or execute any Writ, Warrant, Process, Order of Judgment or Decree, (except in case of Treason, Felony, Breach of the Peace, or searching after Deer or Game) the same shall be void, and the Party may have his Action, as if done without any Writ, *&c.* [29. *Car.* 2. *C.* 27.]

All Laws for frequenting Divine Service on the *Lord's-day*, shall be still in Force, except they come to some Assembly of Religious Worship allowed by this Act. [1 *W. & M.*]

## CHAP. CLXXXVIII.

### *Swearing and Cursing.*

IF any Person shall prophanely Swear and Curse, after the 24*th* of *June*, 1713. in the presence or hearing of any Justice of the Peace of any County or City, or Head-Officer of any Place, or shall be thereof convicted by the Oath of one Witness, or Confession of the Party, before any Justice, Mayor or Head-Officer, as aforesaid, the Party offending, shall for every such Offence, forfeit to the Use of the Poor where such Offences shall be committed as follows, if a Servant, Labourer, Common Soldier or Common Seaman 1 *s.* for every Oath or Curse, and every other Person 2 *s.* and for the second Offence, double the said Forfeitures, and for the third Offence treble the Forfeitures aforesaid. To be levy'd by Distress and Sale of their Goods, by a Warrant from any one Justice of the Peace, and for want of sufficient Distress, the Offender shall sit in the Stocks one Hour for one Offence, if more than one Offence two Hours. If the Party is above the Age of 16 Years, if under shall be Whipt publickly.

Juſtices of the Peace who willfully omits the Execution of this Act, ſhall forfeit 5 *l.* Perſons not to be proſecuted by this Act unleſs it be done within Ten Days after the Offence was committed. This Act is to be read by the Parſon of every Pariſh on the next *Sunday* after Quarter-Day Yearly, immediately after Divine Service in the Morning, under the Penalty of 20 *s.* for every Omiſſion; but not expreſt how it ſhall be Levied. Juſtices of Peace, Mayors and Head-Officers ſhall Regiſter in a Book kept for that Purpoſe, all Convictions that ſhall be made before them by this Act, and the Time when convicted, and certifie the ſame to the Quarter-Seſſions of the Peace of the County, to be Recorded there by the Clerk of the Peace, and ſeen without Fee or Reward. [6. & 7. *W.* 3.]

## CHAP. CLXXXIX.

### *Thames.*

THE Juſtices of the Peace in the Counties of *Berks*, *Bucks*, *Glouceſter*, *Oxford*, and *Wilts*, ſhall be Commiſſioners for putting in Execution of the Act of Parliament of the 6. & 7. *W.* 3. *C.* 16. They, or Five of them, at their Quarter-Seſſions, may take Order to ſettle Rates and Prices that the Owners of Boats and Barges muſt take. The Owners of Boats and Barges taking more than what is appointed, as aforeſaid, ſhall forfeit 5 *l.* and pay double Coſts of Suit. Barge or Boat Maſter ſhall be anſwerable for Damages done by his Barge or Men.

## CHAP. CXC.

*An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Tranſportation of Felons, and Unlawful Exporters of Wool; and for declaring the Law upon ſome Points relating to Pirates.*

BE it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lord's Spiritual and Temporal, and the Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, that where any Perſon or Perſons have been convicted of any Offence within the *Benefit of Clergy*, before the 12*th* Day of *January*, 1717, and are liable to be Whipt, or Burnt in the Hand, or have been ordered to any *Work-houſe*, and who ſhall be therein on the ſaid 20*th* Day of *January*, as alſo where any Perſon or Perſons ſhall be hereafter convicted of

Grand

Grand and Petit Larceny, or any Felonious ſtealing or taking of Money, or Goods and Chattels, either from the Perſon, or the Houſe of any other, or in any other manner, who by the Law ſhall be entituled to the *Benefit of Clergy*, and liable only to the Penalties of Burning in the Hand, or Whipping, (except Perſons convicted for Receiving or Buying Stolen Goods, knowing them to be Stolen) it ſhall and may be lawful for the Court before whom they were convicted, or any Court held at the ſame Place with the like Authority, if they think fit, inſtead of ordering any ſuch Offenders to be Burnt in the Hand or Whipt, to order and direct, that ſuch Offenders, as alſo ſuch Offenders in any *Workhouſe*, as aforeſaid, ſhall be ſent, as ſoon as conveniently may be, to ſome of his Majeſties *Colonies* and *Plantations* in *America*, for the ſpace of 7 Years; and that Court before whom they were convicted, or any ſubſequent Court held at the ſame place, with like Authority as the former, ſhall have power to Convey, tranſfer & make over ſuch Offenders, by order of Court, to the Uſe of any perſon or perſons who ſhall Contract for the *Performance* of ſuch *Tranſportation*, to him or them, and his or their Aſſigns, for ſuch Term of 7 Years; and where any Perſons have been convicted, or do now ſtand attainted of any Offences whatſoever, for which Death by Law ought to be inflicted, or where any Offenders ſhall hereafter be convicted of any Crimes whatſoever, for which they are by the Law to be excluded the *Benefit of Clergy*, and his Majeſty, his Heirs or Succeſſors, ſhall be Graciouſly pleaſed to extend *Royal Mercy* to any ſuch Offenders, upon *Condition of Tranſportation* to any part of *America*, and ſuch Intention of Mercy be ſignified by one of his Majeſties principal *Secretaries of State*, it ſhall and may be Lawful to and for any Court, having proper Authority, to allow ſuch Offenders the Benefit of a *Pardon* under the Great Seal, to order and direct the like Tranſfer and Conveyance to any perſon or perſons (who will Contract for the performance of ſuch *Tranſportation*) and to his and their Aſſigns, of any ſuch before-mentioned Offenders, as alſo of any perſon or perſons convicted of receiving or buying ſtolen Goods, knowing them to be ſtolen, for the Term of 14 Years, in caſe ſuch Condition of *Tranſportation* be general, or elſe for ſuch other Term or Terms as ſhall be made part of ſuch Condition, if any particular Time be ſpecified by his Majeſty, his Heirs and Succeſſors, as aforeſaid; and ſuch perſon or perſons ſo contracting as aforeſaid, his or their Aſſigns, by Virtue of ſuch Order of Tranſfer, as aforeſaid, ſhall have a Property and Intereſt in the Service of the ſaid Offenders for ſuch Terms of Years.

And

And be it further enacted by the Authority aforesaid, that if any Offender or Offenders, so ordered by any such Court to be *Transported* for any Term of 7 Years, or 14 Years, or other Time or Times, as aforesaid, shall return into any part of *Great Britain* or *Ireland*, before the end of his or their Term, he or she so Returning, as aforesaid, shall be liable to be punished and attainted of Felony without the *Benefit of Clergy*, and Execution may and shall be awarded against such Offender or Offenders accordingly. Provided nevertheless, that his Majesty, his Heirs and Successors, may at any time *Pardon* and *Dispense* with any such *Transportation*, and allow of the Return of any such Offender and Offenders from *America*, he or they paying their *Owner* or *Proprietor*, at any time of such *Pardon*, *Dispensation* or *Allowance*, such Sum of Money, as shall be adjudged reasonable by any two Justices of the Peace residing within the *Province* where such *Owner* dwells, and where any such Offenders shall be *Transported*, and shall have served their respective Terms, according to the Order of any such Court, as aforesaid, such Services shall have the Effect of a *Pardon* to all Intents and Purposes, as for that Crime or Crimes for which they were so *Transported*, and shall have so served, as aforesaid.

And be it further Enacted by the Authority aforesaid, That every such person or persons to whom any such Court shall order any such Offenders to be transferred or conveyed, as aforesaid, before any of them shall be delivered over to such person or persons, or his or their Assigns, to be *Transported*, as aforesaid, he or they shall contract and agree with such person or persons as shall be ordered and appointed by such Court, as aforesaid, and give sufficient Security to the Satisfaction of such Court, that he or they will *Transport*, or cause to be *Transported* effectually such Offenders so conveyed to him or them, as aforesaid, to some of his Majesties *Colonies* and *Plantations* in *America*, as shall be ordered by the said Court, and procure an authentick Certificate from the Governor, or the chief Custom-house Officer of the Place (which Certificate they are hereby required to give forthwith, without Fee or Reward, as soon as conveniently may be) of the Landing of such Offenders so Transferred, as aforesaid, in that place whereto they shall be ordered (*Death and Casualties of the Sea excepted*) and that none of the said Offenders shall be suffered to Return from the said Place to any part of *Great Britain* and *Ireland*, by the wilful Default of such person or persons so contracting as aforesaid, or by the wilful Default of his or her Assigns.

And

And whereas there are ſeveral Perſons who have ſecret Acquaintance with Felons, and who make it their Buſineſs to help Perſons to their Stolen Goods, and by that means gain Money from them, which is divided between them and the Felons, whereby they greatly encourage ſuch Offenders; be it enacted by the Authority aforeſaid, That wherever any Perſon taketh Money or Reward, directly or indirectly, under Pretence, or upon Account of helping any perſon or perſons to any Stolen Goods or Chattels, every ſuch Perſon ſo taking Money or Reward, as aforeſaid, (unleſs ſuch Perſon doth apprehend, or cauſe to be apprehended, ſuch Felon who ſtole the ſame, and cauſe ſuch Felon to be brought to his Tryal for the ſame, and give Evidence againſt him) ſhall be guilty of Felony, and ſuffer the Pains and Penalties of Felony, according to the Nature of the Felony committed in ſtealing ſuch Goods, and in ſuch and the ſame Manner as if ſuch Offender had himſelf ſtole ſuch Goods and Chattels, in the Manner, and with ſuch Circumſtances as the ſame were ſtoled.

And whereas there are many idle Perſons, who are under the Age of 21 Years, lurking about in divers parts of *London*, and elſewhere, who want Employment, and may be tempted to become Thieves, if not provided for: And whereas they may be inclined to be *Tranſported*, and to enter into Services in ſome of his Majeſties *Colonies* and *Plantations* in *America*: But as they have no Power to contract for themſelves, and therefore that it is not ſafe for *Merchants* to *Tranſport* them, or take them into ſuch Services; be it enacted by the Authority aforeſaid, that where any Perſon of the Age of 15 Years, or more, and under the Age of 21, ſhall be willing to be *Tranſported*, and to enter into any Service in any of his Majeſties *Colonies* or *Plantations* in *America*, it ſhall and may be Lawful for any *Merchant*, or other, to contract with any ſuch Perſon for any ſuch Service, not exceeding the Term of 8 Years; provided ſuch Perſon ſo Binding him or herſelf do come before the Lord Mayor of *London*, or ſome other Juſtice of the Peace of the City, if ſuch Contract be made within the ſame, or the Liberties thereof, or before ſome other Two Juſtices of the Peace of the Place where ſuch Contract ſhall be made, if made elſewhere, and before ſuch Magiſtrate or Magiſtrates acknowledge ſuch Conſent, and do Sign ſuch Contract in his or their Preſence, and with his or their Approbation; and that then it ſhall be lawful for any ſuch *Merchant*, or other, to *Tranſport* ſuch Perſons ſo Binding him or herſelf, and to keep him or her within any of the ſaid *Plantations* or *Colonies*, according to the

the Tenor of ſuch Contract, as aforeſaid; any Law or Statute to the contrary in any wiſe notwithſtanding: Which ſaid Contract and Approbation of ſuch Magiſtrate or Magiſtrates, with the Tenor of ſuch Contract, ſhall be certified by ſuch Magiſtrate or Magiſtrates to the next *General Quarter-Seſſions of the Peace* held for that County where ſuch Magiſtrate or Magiſtrates ſhall Reſide, to be Regiſtred by the Clerk of the Peace without Fee or Reward.

And be it further Enacted by the Authority aforeſaid, That from and after the ſaid 20th Day of *January*, 1717, if any perſon or perſons ſhall be in Priſon, for want of ſufficient Bail, for unlawful Exportation of Wool or Wool-Fells, and ſhall refuſe to appear or plead to a Declaration or Information to be delivered to ſuch perſon or perſons, or to the Goaler, Keeper, or Turnkey of the Priſon at the ſaid Priſon, for the ſaid Offence, by the Space of one Term, Judgment ſhall be entered againſt him by Default; and in Caſe Judgment ſhall be obtained againſt any ſuch perſon or perſons by Default, Verdict, or otherwiſe, and ſuch perſon or perſons ſhall not pay the Sum Recover'd againſt him or them for the ſaid Offence, within the ſpace of Three Months after entring up of ſuch Judgment, the Court before whom ſuch Judgment ſhall be obtained, ſhall, by Order of Court, cauſe ſuch Offender or Offenders to be *Tranſported*, in the ſame manner as Felons aforeſaid, for the Term of Seven Years; and if ſuch Offender or Offenders ſhall return into *Great Britain* or *Ireland*, before the Expiration of the ſaid Seven Years, he or they ſhall ſuffer as Felons, and have Execution awarded againſt them, as Perſons Attainted of Felony, without *Benefit of Clergy*.

And be it hereby declared, That all and every perſon and perſons who have committed, or ſhall commit any Offence or Offences for which they ought to be adjudged, deem'd, and taken to be *Pirates*, *Felons*, or *Robbers*, by an Act made in the Parliament holden in the 11th and 12th Years of the Reign of his late Majeſty King *William* the III. Intituled, *An Act for the more effectual Suppreſſion of Piracy*, may be Tryed and Judged for every ſuch Offence in ſuch *Manner* and *Form* as in and by an Act made in the 28th Year of the Reign of King *Henry* VIII. is directed and appointed for the *Tryal* of *Pyrates*, and ſhall and ought to be utterly debarred and excluded from the *Benefit of Clergy* for the ſaid Offences; Any Law or Statute to the contrary thereof in any wiſe notwithſtanding. Provided always, that nothing in this Act contained ſhall extend or be conſtrued to extend to ſuch Perſons as ſhall be Convicted or Attainted in that part of *Great Britain* called *Scotland*.

And

And be it also enacted, that this Act shall extend to all his Majesties Dominions in *America*, and shall be taken as a publick Act.

[9. G.]

## CHAP. CXCI.

*An Act for the further Preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons.*

WHEREAS the Laws in being have not yet proved Effectual to the Suppressing of *Robbery*, *Burglary*, and other *Felonies*, and to the *Transportation* of *Felons*, and some of the said Laws wanting to be amended and enforced: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, that all the Powers and Authorities (which are in and by an Act made in the Fourth Year of the Reign of his present Majesty, intituled, *An Act for the further Preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons*, &c.) given to any Court before whom any Felons and Offenders, tried for and convicted of any Offences for which they may be sent or *Transported* to any of his Majesty's *Colonies* and *Plantations* in *America*, shall and may be observed and executed by any other subsequent Court with like Authority, held for the same County, Riding, Division or Liberty, where such Felons and Offenders were or shall be tried and convicted, notwithstanding such other subsequent Court shall happen to be held at or in any other Town or Place than that wherein such Tryals or Convictions were or shall be.

Provided always, and it is further enacted by the Authority aforesaid, that the Court before whom such Felons or Offenders (who may, by Virtue of the said recited Act, or by this present Act, be *Transported*, as aforesaid) were or shall be convicted, or any other Court held with the like Authority for the same County, Riding, Division, Liberty or Place, wherein they were or shall be so convicted as aforesaid, may nominate and appoint, if they shall think fit, Two or more Justices of the Peace of and for the said County, Riding, Division, Liberty or Place, where such Offenders were or shall be convicted, who shall have Power and Authority to contract with any person or persons for the Performance of the *Transportation* of such Felons and Offenders, who by Order of such Court or Courts are to be sent to any of the *Colonies* and *Plantations*

aforeſaid; and to order ſuch and the like ſufficient Security, as the ſaid recited Act directs to be taken by Order of Court, and alſo to cauſe ſuch Felons, purſuant to ſuch Contracts, to be delivered by the reſpective Goalers in whoſe Cuſtody they are, ſhall, or may be, to the Perſon or Perſons contracting for them, or to his or their Aſſigns; which ſaid Contracts and Security ſhall, from time to time, be certified by the Juſtices who ſhall make and take the ſame to the next Court held with the like Authority for the ſaid County, Riding, Diviſion, Liberty or Place, where ſuch Felons were or ſhall be convicted, to be filed and kept amongſt the Records of ſuch Court.

And it is further enacted by the Authority aforeſaid, that all Charges in and about the making the Contracts, taking Securities, and conveying of Felons, in order to be *Tranſported*, by Virtue of this or the ſaid recited Act, ſhall be born by each County, Riding, Diviſion, Liberty or Place, for which the Court was held that ordered ſuch Felon or Felons, Offender or Offenders, to be *Tranſported*; and their reſpective Treaſurer or Treaſurers ſhall, by Order of the Juſtices of the Peace in their General Quarter-Seſſions, pay all ſuch Charges and Expences to ſuch Perſon or Perſons as ſhall be imployed for the Purpoſes aforeſaid.

And it is further Enacted by the Authority aforeſaid, That all Securities for *Tranſportation* hereafter to be taken, purſuant to this or the ſaid former Act, ſhall be by Bond, in the Name of the reſpective Clerks of the Peace of the County, Riding, Diviſion or Place, as aforeſaid; which ſaid Clerks of the Peace, and their Succeſſors, ſhall, from time to time, proſecute ſuch Bonds in their own Names, to which purpoſe they ſhall be deemed and taken to be a Body Corporate, and be paid all ſuch Coſts, Charges and Expences, as they or any of them ſhall ſuſtain or expend in any ſuch Suit, as the ſaid Juſtices of the Peace ſhall, at their General Quarter-Seſſions of the Peace, direct for the Penalty of ſuch Bond, or otherwiſe howſoever by reaſon thereof, out of the publick Stock, and by the reſpective Treaſurer or Treaſurers, as aforeſaid; and that all Monies Recovered on any ſuch Security or Bond entred into, as aforeſaid, to be to and for the Uſe of the reſpective County, Riding, Diviſion and Place, and be paid to ſuch reſpective Treaſurer or Treaſurers, as aforeſaid, to be part of the Publick Stock of ſuch County, Riding, Diviſion, Liberty or Place, as aforeſaid.

And

And it is further Enacted by the Authority aforesaid, That the Person or Persons so contracting as aforesaid, and to whom any such Felons or Offenders shall be delivered in order to be Transported, as aforesaid, or any Person or Persons directed by the said Justices (impowered to contract as aforesaid) or their Assigns, may in such Manner as they shall think fit, carry and secure the said Felons and Offenders in and through any County and Counties of *Great Britain* whatsoever, toward the Sea-Port from whence they are to be *Transported*, as aforesaid; and that if any Person or Persons shall rescue such Felons or Offenders, or any of them, he, she, or they, so rescuing, or aiding or assisting such Felons or Offenders, or any of them, in making their Escape from such person or persons as shall have them in their Custody, as aforesaid, shall be deemed and adjudged Guilty of Felony, and shall suffer Death as in Cases of Felony, without *Benefit of Clergy*.

And whereas some Felons ordered for *Transportation* according to Law, have already, and others may come on Shore, and return to *Great Britain*, before they have been actually *Transported* to *America*, or may break Goal, or escape before such *Transportation*, be it further enacted by the Authority aforesaid, that if any Felon or Felons, who have been or shall be ordered for *Transportation* by this or any other Acts, shall be afterwards at large within any part of this Kingdom of *Great Britain*, without some lawful Cause, before the Expiration of the Term for which such Felon or Felons was, were, or shall be ordered to be *Transported*, all and every such person and persons, being thereof lawfully convicted, shall suffer Death as in Cases of Felony, without *Benefit of Clergy*.

And to the Intent that such Conviction may be with as little Trouble and Expence as possible, be it further Enacted by the Authority aforesaid, that such Offender or Offenders may be tried before Justices of Assize, *Oyer* and *Terminer*, or Goal Delivery for the County, City or Liberty, where he, she, or they shall be apprehended and taken, before Justices of Assize, *Oyer* and *Terminer*, or Goal Delivery for that County, City or Place, from whence he, she, or they were ordered to be *Transported*, and that the Clerk of the Assize and Clerk of the Peace where such Orders of *Transportation* shall be made, and their Successors for the time being, shall, at the Request of the Prosecutor, or any other in his Majesties behalf, certifie a Transcript briefly and in few Words, containing the Effect and Tenor of every Indictment and Conviction of such Man or Woman, and of the Order and Contract for his or her *Transportation*, to the

Justices of Assize, *Oyer* and *Terminer*, or Goal Delivery, where such Man or Woman shall be indicted (not taking for the same above the Sum of Two Shillings and Six Pence) which Certificate being produced in Court shall be a sufficient Proof, that such person or persons have before been convicted and ordered to be *Transported*.

And whereas frequent Robberies have been lately committed in the Streets of *London* and *Westminster*, and other Cities, Towns and Places, and Doubts have arisen whether any Reward could be allowed to Persons concerned in the Apprehending, Prosecuting and Convicting such Offenders, which may prove a Discouragment to Persons who otherwise may be willing to undertake the same: Be it hereby enacted by the Authority aforesaid, that the Streets of *London* and *Westminster*, and other Cities, Towns and Places shall be deemed and taken to be Highways to all intents and purposes, within the intent and meaning of an Act made in the Fourth and Fifth Years of their Reign of their late Majesties King *William* and Queen *Mary*, intituled, *An Act for the Encouraging the Apprehending of Highwaymen*; and all Certificates to be hereafter signed upon Convictions for Robbery, shall be signed and paid without any Deduction, Fee or Reward to be taken for the same, excepting any Sum not exceeding five Shillings for writing and drawing thereof, and that as well where any Offender or Offenders plead Guilty, as where they are convicted on Evidence; and if any person or persons, under the pretence of signing or procuring to be signed any such Certificate, or on Account of Payment of the Money allowed therein, shall take any Fee or Reward for the same, other then, as aforesaid, every such person or persons offending therein, shall forfeit and pay the Sum of 40 *l.* to be recovered by Action of Debt, Bill, Plaint, Suit or Information, in any of his Majesties Courts of Record at *Westminster*, where no Essoign, Protection or Wager of Law shall be allowed, or any more than one Imparlance; such Forfeiture to be to the Use of the person or persons entitled to the said Certificate, on the Account of which such Fee or Reward was taken, as aforesaid.

And whereas the Practice of taking Money to help Persons to their Stolen Goods, and sharing it with the Felons, is still continued in Defiance of the Laws, and to the Encouragement of Felons: be it enacted by the Authority aforesaid, that whoever shall discover, apprehend and prosecute to Conviction of Felony without *Benefit of Clergy*, any Person or Persons for the said Offence of taking Money or other Reward,

Reward, directly or indirectly, to help any perſon or perſons to their Stolen Goods (ſuch Offender not having apprehended the Felon who Stole the ſame, and brought him or her to Tryal for the ſame, and given Evidence againſt him or her as required by Law) ſhall be entitled to a Reward of 40 *l.* for every ſuch Offender ſo convicted, as aforeſaid, and ſhall have the like Certificate, and like Payments made without Fee or Reward, as any perſon or perſons may be entitled unto for the Apprehending, Proſecuting, and Convicting of Highwaymen by any Law or Laws for that purpoſe.

And be it further Declared by the Authority aforeſaid, that the Reward of 40 *l.* for the Apprehending and Convicting any perſon or perſons for Burglary, ſhall be paid without any Deduction, as aforeſaid, for every Offender who ſhall be apprehended and convicted for the ſaid Crime. [6 *G.*]

*Tracing of Hares in the Snow.* None ſhall trace Hares in the Snow, under the Penalty of 6 *s.* and 8 *d.* to be levied by Quarter-Seſſions. [14 & 15. *H.* 8. *C.* 10]

## CHAP. CXCII.

### *Treſpaſs.*

BE it Enacted, That if any Perſon or Perſons ſhall cut, or unlawfully take away any Corn or Grain growing, or Rob any Orchards or Gardens, or break or cut any Hedges, Pales, Rails or Fences, or dig, pull up, or take up any Fruit Tree or Trees, in any Orchard, Garden, or elſewhere, with Intent to take and carry the ſame away, or ſhall cut or ſpoil any Woods, Under-woods, Poles or Trees ſtanding, not being Felony; and their Procurer or Procurers, Receiver or Receivers, knowing the ſame, being thereof Lawfully convicted by the Parties Confeſſion, or by the Oath of One Witneſs before One Juſtice of the Peace, Mayor or Head-Officer, ſuch Juſtice, &c. ſhall order ſuch Recompence and Satisfaction for his or their Damages on whom the Offence ſhall be committed, and within what Time as he ſhall appoint.

And if ſuch Offender ſhall not be able to make ſuch Recompence, then the ſaid Juſtice ſhall commit ſuch Offender to ſome Conſtable, or other Officer, belonging to the Place where the Offence was committed, or the Offender apprehended, to be whipt. And for every ſuch Offence for which ſuch Offender ſhall be afterwards convicted, in Manner aforeſaid, the Perſon ſo offending ſhall receive the like Puniſhment of Whipping.

Conſtable

Conſtable, or other Officer, that ſhall not obſerve the Juſtices Warrant, ſhall be committed by him to Goal, without Bail or Mainprize, there to continue until by his Order the Offender ſhall be puniſhed as aforeſaid. Provided, That no Juſtice of the Peace, or Head-Officer, ſhall execute this Statute for any Offence done to himſelf, unleſs aſſociated and aſſiſted by one more Juſtice or Juſtices, whom the Offence doth not concern. [43. *Eliz.* C. 7.]

## CHAP. CXCIII.

### *High Treaſon.*

IS diſtinguiſhed into Four Kinds; 1ſt, That which immediately concerns the King, his Conſort, or his Children. 2dly, That which concerns his Officers in the Adminiſtration of Juſtice. 3d, That which concerns the King's Seal. 4th, That which concerns the Coin. A Perſon *non Compos Mentis*, and in Faults within the Age of Diſcretion, cannot be guilty of High Treaſon; Therefore, if a Traytor becomes *non Compos Mentis* before Conviction, he ſhall not be arraign'd, if after Conviction, he ſhall not be executed.

An Alien Enemy committing an hoſtile Act, ſuch by committing any Treaſon may be a Traytor within the Law.

*Miſpriſion of Treaſon*, Is when any Perſon knoweth of Treaſon and concealeth it, but it muſt be a bare Knowledge thereof; For if the Perſon conſents to the Treaſon he is a Traytor. Therefore, the Party that knoweth of any Treaſon ought, as ſoon as may be, to reveal it to ſome Magiſtrate: But receiving and comforting of a Traytor, knowing him to be ſuch, is a principal Traytor.

## CHAP. CXCIV.

### *Small Tythes.*

IF any Perſon or Perſons ſhall hereafter ſubſtract or withdraw, or any Ways fail in the true Payment of Small Tythes, Offerings, Oblations, Obventions, or Compoſitions, or Agreements for the ſame, by the Space of Twenty Days at moſt, after Demand thereof, then it ſhall and may be Lawful for the perſon or perſons to whom the ſame ſhall be due, to make his or their Complaint in Writing to Two or more of his Majeſties Juſtices of the Peace within that County or Place, where the ſame ſhall become due, (neither of them being Patrons of the Pariſh Church or Chappel from whence the ſaid Tythes ſhall ariſe, nor any Ways in[illegible]ed in the Tythes, &c. which ſhall become due as aforeſaid;) and the ſaid Juſtices are hereby

by authorized and required, to ſummon in Writing, under their Hands and Seals, by reaſonable Warning, every ſuch perſon or perſons againſt whom ſuch Complaint ſhall be made, as aforeſaid: And after his or their Appearance, or Fault of Appearance, the ſaid Warning being prov'd before them upon Oath, the ſaid Juſtices of the Peace, or any Two or more of them, ſhall proceed to hear and determine the ſaid Complaint; and upon Proofs and Evidences, and Teſtimonies produced before them, ſhall, in Writing under their Hands and Seals, adjudge the Caſe, and give ſuch reaſonable Allowance and Compenſation, for ſuch Tythes, Offerings, Oblations, Obventions, or Compoſitions, or Agreements, ſo ſubſtracted or withheld as aforeſaid, as they ſhall judge to be juſt and reaſonable, and alſo ſuch Coſts and Charges (not exceeding Ten Shillings) as upon the Merits of the Cauſe ſhall appear juſt. And if any Perſon or Perſons ſhall refuſe or neglect (by the Space of Ten Days after Notice given them) to pay or ſatisfie any ſuch Sums of Money adjudged as aforeſaid, in ſuch Caſe the Conſtable and Churchwardens of the ſame Parish or Place, or One of them, ſhall, by Warrant under their Hands and Seals of the ſaid Juſtices to them directed, diſtrain the Goods and Chattels of the Party ſo refuſing or neglecting to pay as aforeſaid; and after diſtraining them for the Space of three Days, in Caſe ſuch Sum ſo adjudged to be paid, together with reaſonable Charges for making and keeping the ſaid Diſtreſs, be not tendered or paid by the Parties in the mean time, ſhall and may make publick Sale of the ſame, and pay to the Party complaining ſo much of the Money ariſing by ſuch Sale, as may ſatisfie the Sum ſo adjudged, retaining to themſelves ſuch reaſonable Charges for making and keeping the ſaid Diſtreſs, as the ſaid Juſtices ſhall think fit, returning the Overplus to the right Owner thereof; and for Diſcovery of the Truth of the ſaid Complaint, the ſaid Juſtices are authorized to adminiſter an Oath or Oaths to any Witneſs or Witneſſes, where the ſame ſhall be neceſſary for their Information.

No complaint concerning Tythes aforeſaid, ſhall be heard or determin'd by the ſaid Juſtices, unleſs the Complaint ſhall be made within Two Years next after the Time, that the ſame did become due. Perſons aggriev'd may appeal to the next General Quarter-Seſſions for the County, who, or the major Part of the Juſtices there ſhall determine the ſame, and if they ſhall confirm the ſaid Order, they ſhall proceed to give Coſts to the Appellant, as ſhall ſeem to them juſt and reaſonable, which ſhall not be remov'd by any *Certiorari*, except the Title of the Tythes ſhall be in Queſtion, and where Perſons

Persons complain'd against, shall insist upon any Prescription or Composition, or *modus decimandi*, Agreement or Title, whereby they ought to be free from Payment of the said Tythes, and shall deliver the same in Writing to the said Justices of the Peace, and shall give sufficient Security to the Complainant, to the Satisfaction of the said Justices of the Peace, to pay all such Costs and Damages as, upon a Tryal at Law, shall or may be given against them, then the said Justices of the Peace shall forbear to give any Judgment in the Matter. The said Judgment shall be anroll'd at the next General Quarter-Sessions for the County for One Shilling Reward. And if any Person against whom Judgment shall be given, shall remove into another County before the Sums are levy'd, the said Justices of the Peace, or One of them, shall certifie the same under his or their Hands and Seals to any Justice of the Peace of the County to which he is remov'd; who by his Warrant under his Hand and Seal, directed to the Constable or Churchwardens of the Place, to levy the same as aforesaid. And the Justices of the Peace shall have Power to give Costs to the Persons complain'd against, if they find the Complaint to be false and vexatious, not exceeding Ten Shillings; to be levy'd as aforesaid. If any Person shall begin any Suit for the Recovery of Small Tythes, *&c.* not exceeding the Value of 40 *s. per Annum*, in the Court of Exchequer, or any other Ecclesiastical Court, he shall have no Benefit by this Act. [7. & 8. *W.* 3.]

*This Act is made perpetual by the* 3. & 4. *of* Q. Ann.

By this Act, all Persons that shall sow any Hemp or Flax, shall pay to the Vicar, Parson, or Impropriator of the Parish or Place where sown, pulled or drawn, an annual Sum not exceeding 4 *s.* before it is carryed off the Ground, and so proportionably; to be Recovered by the common and usual Remedy.

## CHAP. CXCV.

### *Great Tythes.*

BE it Enacted, That where any Quaker shall refuse to pay or compound for his Great or Small Tythes, or to pay any Church Rates, it shall and may be Lawful to and for the Two next Justices of the Peace of the same County, (other than such Justice of the Peace as is Patron of the Church or Chappel from whence the said Tythes do or shall arise, or any Ways interested in the said Tythes, *&c.*)

&c.) upon the Complaint of any Parſon, Vicar, Farmer, or Propriprietor of the ſaid Tythes, or Church-warden or Church-wardens, who ought to have, Receive or Collect the ſame, by a Warrant under their Hands and Seals to Convene before them, ſuch Quaker or Quakers neglecting or refuſing to Pay or Compound for the ſame, and examine the Truth thereof upon Oath, which Oath, the ſaid Juſtices are hereby impower'd to Give or Adminiſter in ſuch manner, as is by this Act provided, the Truth and Juſtice of the ſaid complaint, and to aſcertain and ſtate what is due and payable by ſuch Quaker or Quakers to the Party or Parties complaining, and by Order under their Hands and Seals, to direct the Payment thereof, ſo as the Sum ordered as aforeſaid, doth not exceed Ten Pounds, and upon Refuſal by ſuch Quaker or Quakers to pay according to ſuch Order after Demand, it ſhall and may be lawful for any one of the ſaid Juſtices, by a Warrant under his Hand and Seal, to Levy the Money thereby order'd to be paid by Diſtreſs and Sale of the Goods of ſuch Offender or Offenders, his or their Executors or Adminiſtrators, rendring only the Overplus to the Owner, Charges for diſtraining being firſt Deducted, to be allow'd by the ſaid Juſtice.

Perſons aggriev'd by any Judgment given againſt them may appeal to the next General Quarter-Seſſions of the Peace for the County, whoſe Determination thereof, ſhall be final, and ſhall alſo give ſuch Coſts againſt the Appellant, (if the ſaid Order ſhall be decreed) as the Major part of the Juſtices ſhall think juſt and reaſonable, to be levy'd by Diſtreſs and Sale of his Goods and Chattles, unleſs the Title of the ſaid Tythes are in Queſtion. [7 & 8 *W.* 3.].

*This Act is made perpetual by the 1ſt of King* George.

Whereas an Act made in the Seventh and Eighth Years of his late Majeſties Reign, intituled, *An Act that the Solemn Affirmation and Declaration of the People called Quakers, ſhall be accepted inſtead of an Oath in the uſual Form*, was made to continue for Seven Years, and from thence to the end of the next Seſſion of Parliament, which Act would have expired at the end of the next Seſſion of Parliament, after the 22*d* Day of *November*, in the Year of our Lord 1702. which Seſſion began the 9*th* Day of *November*, in the Year of our Lord, 1703. and ended the 3*d* Day of *April*, in the Year of our Lord 1704. but by another Act of Parliament, made in the 13*th* Year of his ſaid late Majeſties Reign, intituled, *An Act for Continuing an Act*, intituled, *An Act that the Solemn Affirmation and Declaration of the People called Quakers, ſhall be Accepted inſtead of an Oath in the uſual Form*, was continued for the Term of 11 Years,

after the Determination of the ſaid Act, and from thence to the End of the next Seſſion of Parliament: And whereas the ſaid ſeveral Acts will expire at the end of the next Seſſion of Parliament after the 3*d* of *April*, 1715. now for the further Avoiding of the Inconveniencies in the ſaid firſt recited Act mentioned, to the People called Quakers, and their Families, be it enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by Authority of the ſame, that the Firſt recited Act, and all the Clauſes and Powers therein contained, ſhall continue and be in Force for ever, as to all Oaths by Law required, or hereafter to be required, other than and accept as in the ſaid Firſt recited Act is expired.

And whereas by the ſaid Act made in the 7*th* Year of the Reign of King *William* III. a Remedy is provided for the Recovery of Tythes and Church-Rates, where any Quaker ſhould refuſe to Pay the ſame; be it enacted by the Authority aforeſaid, that ſuch Remedy ſhall be and is hereby extended, and the like Remedy ſhall and may be had and uſed againſt any Quaker or Quakers for the Recovering of any Tythes, or Rates, or any Cuſtomary, or other Rights, Dues or Payments belonging to any Church or Chapel, which of Right by Law and Cuſtom ought to be paid for the Stipend or Maintenance of any Miniſter or Curate Officiating in any Church or Chapel; and any Two or more Juſtices of the Peace of the ſame County or Place, other than ſuch Juſtice of the Peace as is Patron of any ſuch Church or Chapel, or any ways intereſted in the ſaid Tythes upon complaint of any Parſon, Vicar, Curate, Farmer, or Proprietor of ſuch Tythes, or any Church-warden or Chapel-warden, or other Perſon who ought to have, Receive or Collect any ſuch Tythes, Rates, Dues or Payments, as aforeſaid, are hereby Authorized and Required to Summon in Writing, under their Hands and Seals, by reaſonable Warning, ſuch Quaker or Qukers, againſt whom ſuch complaint ſhall be made, and after his or their Appearance, or upon Default of Appearance, the ſaid Warning or Summons being proved before them upon Oath, to proceed to hear and determine the ſaid Complaint, and to make ſuch Order therein as in the ſaid Act is limited and directed, and alſo to Order ſuch Coſts and Charges as they ſhall think reaſonable, not exceeding 10 *s.* as upon the Merits of the Cauſe ſhall appear juſt; which Order ſhall and may be ſo executed, and on ſuch Appeal may be Reverſed or Affirmed by the General Quarter Seſſions of the County or Place, with ſuch Coſts

Coſts and Remedy for the ſame, and ſhall not be Removed into any other Court, unleſs the Title of ſuch Tythes, Dues or Payments, ſhall be in Queſtion, in like manner as in and by the ſame Act is Limited or Provided.

Provided always, that ſo much of this Act as relates to the Affirmations to be made by the People called Quakers, ſhall be extended to that Part of *Great Britain* called *Scotland* for ever, and to the Plantations belonging to the Crown of *Great Britain* for Five Years, and to the end of the next Seſſion of Parliament, after the ſaid Five Years, and no longer. [1. *G.*]

## CHAP. CXCVI.

*An Act for Reducing the Laws relating to Rogues, Vagabonds, Sturdy Beggars and Vagrants, into One Act of Parliament; and for the more effectual Puniſhing ſuch Rogues, Vagabonds, Sturdy Beggars and Vagrants, and ſending them whither they ought to be ſent.*

WHEREAS many Parts of this Kingdom are extremly oppreſſed by the uſual Method of conveying Vagabonds or Beggars from County to County, by having ſuch Perſons conveyed as Vagrants, who ought not ſo to be, be it enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, that all Perſons pretending themſelves to be Patent-gatherers, or Collectors for Priſons, Goals or Hoſpitals, and Wandring abroad for that purpoſe; all Fencers, Bear-wards, Common Players of Interludes, Miniſtrels, Juglers, all Perſons pretending to be Gipſies, or wandring in the Habit or Form of Counterfeit Egyptians, or pretending to have Skill in Phyſiognomy, Palmeſtry, or like Crafty Science, or pretending to tell Fortunes, or like Phantaſtical Imaginations, or uſing any Subtle Craft, or Unlawful Games or Plays; all Perſons able in Body, who run away, and leave their Wives or Children to the Pariſh, and not having wherewith otherwiſe to Maintain themſelves, uſe Loytring, and refuſe to Work for the uſual and common Wages; and all other Idle Perſons Wandring abroad and Begging, (except Soldiers, Mariners, or Sea-faring Men, Licenſed by ſome Teſtimonial or Writing under the Hand and Seal of ſome Juſtice of Peace ſetting down the Time and Place of his or their Landing, and

the Place to which they are to Paſs, and limiting the Time for ſuch their Paſſage, while they continue in the direct Way to the Place to which they are to Paſs, and during the time ſo limited) ſhall be deemed Rogues and Vagabonds.

Conſtable, or other Inhabitant that neglect or refuſe to apprehend Vagrants forfeits 10*s.* Juſtice may Reward any Perſon that apprehends a Vagrant, by ordering the Conſtable to pay 2*s.*

Juſtices, before the Quarter-Seſſions, are to ſend out their Warrants to make a privy Search after Vagrants.

Juſtice or Juſtices to examine on Oath ſuch Perſons as ſhall be brought by any Officer or Inhabitant, or on privy Search, and ſet down the Subſtance thereof in Writing, to be tranſmitted to the next Quarter-Seſſions. If ſuch Perſons ſhall prove a Lawful Settlement, they ſhall be ſent by ſuch Order and in ſuch Manner as Perſons chargeable; if not, by a Paſs to the Place of their Birth. If under Fourteen Years of Age to its Parents; if not known, then to the Pariſh where laſt found Begging, &c. and delivered to the Officer thereof.

To the Conſtable of the Pariſh of in the County of
(or to the Tythingman, *&c.* as the Caſe ſhall be.)

WHereas being, *as he Informs, about the Age of Years, was apprehended in the Pariſh of aforeſaid (or, in the Town of ) there Wandring and Begging for, there pretending himſelf to be a Collector for Priſons, and Wandring for that Purpoſe, or, there Practiſing as a Fencer, &c. as the caſe ſhall require) and brought before me, one of His Majeſties Juſtices of the Peace for this County, and upon Examination of the ſaid and of taken before me upon Oath, it doth appear, That the ſaid was Born at in this County (or, in the County of or, That the ſaid is under the Age of 14 Years, and hath a Father Living and Abiding in the Pariſh or Town of or, that the ſaid was found Begging in the Pariſh of where he laſt paſt through unapprehended, and the Place of his or her Birth, cannot be diſcovered; and it doth not appear to me, that the ſaid hath obtained any Legal Settlement ſince his or her Birth.) Theſe are therefore to require you to Convey the ſaid in the next direct way to the ſaid Pariſh or Town of and there deliver him to the Conſtable or other Officer of the ſame Pariſh or Town, to be there provided for according to Law. (Or, in caſe the ſaid Place be out of the ſame County, Riding, Corporation or Franchiſe, which hath Seperate Quarter-Seſſions of the Peace, then it ſhall be,) to Convey the ſaid to the Pariſh or Town of that being the Firſt Town in the next Precinct through which*

*which he ought to paſs to the ſaid Pariſh or Town of to be thence Conveyed on according to the Directions of this Act, to the ſaid Pariſh or Town of ) And I do hereby Allow the Space of Days for his or her Paſſing to the ſaid Pariſh or Town of* Given under my Hand and Seal, this Day of

Juſtices may order them to be whipt until his or her Body be bloody, or ſent to Bridewell.

Charges of conveying by an Order, defray'd as by a Paſs. Dangerous Rogues may be ſent to Bridewell or the Common Goal, until the next Quarter-Seſſions. At Quarter-Seſſions, the Juſtices may order a Rogue to be whipt Three Market-Days. If a Rogue ſhall break out of Priſon, he ſhall be deemed a Felon.

Juſtices ſhall not make a Paſs, if Settlement be prov'd, under the Penalty of Five Pounds.

If a Perſon apprehended give a falſe Account, or refuſe to be examined, ſhall be deemed a dangerous Rogue.

Juſtices ſhall make an Order for Expences, and ſhall ſend a Note or Certificate, how the Vagrant is convey'd, by Horſe, Cart or on Foot, and whither, and in what Time to be convey'd, in the Form following, viz.

*WHereas by a Paſs (reciting the Subſtance or Effect of the ſaid Paſs) I do hereby Order and Direct, that the ſaid Perſon or Perſons is or are to be conveyed on Foot ( or in a Cart, or by Horſe, &c. to the ſaid Pariſh or Town of in Days Time, for which the ſaid Conſtable, &c. ) is to be allowed the Sum of and no more, he having produced a Receipt under the Officers Hand to whom he delivered the ſaid Vagrants. Given under my Hand, this Day, &c.*

Officer to convey to the Place whether ordered in the Paſs. Juſtice to cauſe him to be whipt before he ſigns the Paſs, and ſend him to the Houſe of Correction for 2 or 3 Days, and afterwards to be thence convey'd with the ſaid former Paſs, and ſo from one County to another.

Officer not obliged to receive them except whipt, unleſs Women great with Child. Soldiers wanting Subſiſtance, having Lawful Certificates from their Officers, or Secretary at War, or ſuch as the Juſtice or Juſtices ſhall think not able to undergo ſuch Puniſhment.

Juſtices at Quarter-Seſſions to ſet Rates, &c. *per* Mile, or otherwiſe, for carrying ſuch Vagrants.

To raiſe the Money by ſuch Ways and Means as Money for County Goals and Bridges may be raiſed. High Conſtables to have a Quarterly Payment in their Hands to pay Petty Conſtables, and account for the ſame Twice a Year.

Conſtables

Conſtables counterfeiting a Certificate, or altering the Sums, forfeit Twenty Pounds above the Sum by Fraud taken; one half to the Poor of the Pariſh where the Offence was committed, and the other to the Informer, to be levyed by Warrant from the Juſtice or Juſtices of the Peace of the County where the Offence was committed, by Diſtreſs and Sale of the Offenders Goods. Juſtice may examine the Officer on Oath.

The Pariſh to whom convey'd ſhall employ them. If ſuch Vagrant wander about again, and if again apprehended, the Pariſh muſt bear the Charges, by Warrant under the Hand and Seal of a Juſtice or Juſtices, to be levyed by Diſtreſs and Sale of the Goods of the Conſtables, Churchwardens, or Overſeers of ſuch Pariſh, that ſuffered them to wander as aforeſaid. If apprehended again, ſhall be ſent to Bridewell, till Quarter-Seſſions, and bound to the Good Behaviour for One Year, and after puniſh him as a dangerous Rogue.

And be it further enacted by the Authority aforeſaid, that in caſe any perſon or perſons, apprehended and brought before any Juſtice or Juſtices of the Peace, as aforeſaid, ſhall, upon Examination, be found by his, her, or their own Confeſſion, or by Oath of One or more Credible Witneſſes (which Oath ſuch Juſtice or Juſtices are hereby enabled to Adminiſter) to have obtained no Legal Settlement ſince his or her Birth, and to have committed any of the Acts of Vagrancy mentioned in this Act, or to have uſed the Trade or Life of a Common Begger or Vagabond, for the ſpace of Two Years then laſt paſt, although he had formely a Settlement, or to be a Dangerous and Incorrigible Rogue within the Intent of this Law, it ſhall and may be Lawful for ſuch Juſtice or Juſtices of the Peace, inſtead of puniſhing or paſſing him, her, or them away, in the manner before directed, by Order under his or their Hands and Seals, to commit the perſon or perſons ſo Apprehended to the Cuſtody and Power of him or them who procured ſuch Apprehenſion, or in Caſe of his or their Refuſal, to the Cuſtody and Power of any other perſon or perſons, Body Politick or Corporate, willing to receive him, her, or them, as his or their Apprentice or Servant, for the Space of 7 Years then next enſuing, and no longer; and the perſon and perſons ſo committed, ſhall be the Apprentice or Servant of him or them, to whom he, ſhe, or they ſhall be committed, during the ſpace of 7 Years, to all Intents and Conſtructions of Law whatſoever; and the perſon or perſons, Bodies Politick or Corporate, to whoſe Cuſtody and Power he, ſhe, or they ſhall be ſo committed, ſhall and may detain, keep, imploy, and ſet to Work, either within

in this Realm of *Great Britain*, or in any of her Majeſties Plantations, or any *Britiſh* Factory or Factories beyond the Seas, the perſon or perſons ſo committed to his or their Cuſtody and Power, during the ſaid ſpace of 7 Years, and no longer; any Law, Cuſtom or Statute to the contrary in any wiſe notwithſtanding.

Maſter or Miſtreſs muſt enter into Recognizance of 40*l.* before Tranſported, to carry and imploy the Vagrant whether Tranſported. Perſons aggrieved may appeal to Quarter Seſſions.

Idle diſorderly Perſons pretending Blind and Lame, or with diſtorted Limbs, to be removed; and if refuſe to be removed, or ſhall offend a Second time, the Conſtable, *&c.* ſhall ſtrip him naked from the Shoulders to the Waſte, and whip him till his Body ſhall be Bloody. Conſtable or other Officer ſhall neglect ſo to do, he ſhall forfeit 10*s.* to be levy'd for the Uſe of the Poor of the Pariſh.

And whereas there are ſometimes in Pariſhes, Towns and Places, Perſons of little or no Eſtates, who, by Lunacy, or otherwiſe, are furiouſly Mad, and dangerous to be permitted to go Abroad, and by the Laws in being, the Juſtices of Peace and Officers have not Authority to Reſtrain and Confine them: Be it therefore enacted by the Authority aforeſaid, that it ſhall and may be Lawful for any Two or more of the Juſtices of the Peace of any County, Town or Place in *England*, *Wales* or Town of *Berwick* upon *Tweed*, where ſuch Lunatick or Mad Perſon ſhall be found, by Warrant under their Hands and Seals, directed to the Conſtables, Church-wardens and Overſeers of the Poor of ſuch Pariſh, Town or Place, or ſome of them, to cauſe ſuch perſon to be apprehended, and kept ſafely locked up, in ſuch ſecure place within the County where ſuch Pariſh or Town ſhall lie, as ſuch Juſtices ſhall, under their Hands and Seals direct and appoint, and (if ſuch Juſtices find it neceſſary) to be there Chained, if the laſt Legal Settlement of ſuch perſon ſhall be in any Pariſh, Town or Place within ſuch County, and if ſuch Settlement ſhall not be there, then ſuch perſon ſhall be ſent to the place of his or her laſt Legal Settlement, as Vagrants by this Act are directed to be ſent (Whipping excepted) and ſhall be kept ſafely locked up or chained, as aforeſaid, and the Charges of keeping and maintaining ſuch perſon, during ſuch Reſtraint (which ſhall be for and during ſuch Time only as ſuch Lunacy or Madneſs ſhall continue) ſhall be ſatisfied and paid by Order of Two or more Juſtices of the Peace for the County, Town, or Place where ſuch Settlement ſhall be, out of the Eſtate of ſuch perſon, if ſuch perſon hath an Eſtate to pay and ſatisfie the ſame, over and above what

ſhall

ſhall be ſufficient to maintain his Wife and Children, if he hath any, and if he hath not ſuch an Eſtate, then the Charges of keeping and maintaing ſuch Perſon, during ſuch Reſtraint, ſhall be ſatisfied and paid by ſuch ways and means, as the Poor of ſuch Pariſh, Town or Place, are by the Laws in being to be provided for.

And wheieas divers Vagrants have been conveyed from County to County, in Order to be ſent to places in *Ireland*, the Iſles of *Man*, *Jerſey*, *Guernſey* or *Scilly* (their Legal Settlement) but for want of Authority to compel Maſters of Ships and Veſſels to take them on Board thither, at reaſonable Rates, they have been very chargeable to ſeveral Pariſhes, Towns, and Places in *England* and *Wales*, where they have layn for ſuch Exportation; Be it therefore Enacted by the Authority aforeſaid, That all and every Maſter and Maſters of Ships and Veſſels bound for *Ireland*, the Iſles of *Man*, *Jerſey*, *Guernſey*, or *Scilly*, ſhall, and they and each of them is and are hereby requir'd, upon Warrant to him or them directed, under the Hand and Seal of a Juſtice of the Peace of the County, Town, or Place where ſuch Ship or Veſſel ſhall lye, to take on Board the ſame ſuch Vagrant or Vagrants, as ſhall be named and expreſſed in the ſaid Warrant, and Convey him, her, or them, to ſuch place in *Ireland*, the Iſle of *Man*, *Jerſey*, *Guernſey* or *Scilly*, as ſuch Ship or Veſſel ſhall be bound to, or ſhall arrive at; and for the Charges thereof ſuch Maſter ſhall take, and the Conſtable or Perſon who ſerves him with the ſaid Warrant, ſhall pay him ſuch Rate *per* Head, as the Juſtices of the Peace, at their Quarter-Seſſions, ſhall from time to time, appoint, for every ſuch Vagrant ſo delivered to him; and ſuch Maſter ſhall and is hereby required, on the Back of the ſaid Warrant, to Sign a Reciept for the Money ſo paid, and alſo for the Vagrant or Vagrants ſo brought and delivered; which Warrant, ſo endorſed, ſhall then be produced to the Juſtice of the Peace who ſigned and ſealed the ſame; and upon his Allowance thereof under his Hand, the Money ſo paid ſhall be repaid by the County, in ſuch manner as by this Act the Money to be paid for conveying Vagrants from County to County is directed; and every Maſter of ſuch Ship or Veſſel neglecting or refuſing to receive on Board, or to Tranſport ſuch Vogrant or Vagrants, or to endorſe and ſign ſuch Receipt, as aforeſaid, ſhall forfeit 5 *l.* to the Uſe of the Poor of the ſaid Pariſh, to be Levied by Diſtreſs and Sale of the ſaid Ship, or any Goods within the ſame, by Warrant under the Hand and Seal of any Juſtice of the Peace for the ſame County, City or Town-Corporate, returning the Overplus (if any be) after the ſaid Penalty and Charges of Levying the ſame. Officer neglecting his Duty forfeit 20 *s.* And

And be it enacted by the Authority aforeſaid, that an Act made in the 39*th* Year of the Reign of Queen *Elizabeth*, intituled, *An Act for Puniſhing of Rogues, Vagabonds, and Sturdy Beggars*, and another Act made in the 1*ſt* Year of the Reign of King *James* I. intituled, *An Act for the Continuance and Explanation of the ſame Statute*, and ſo much of another Act made in the 7*th* Year of the ſame Reign, intituled, *An Act for the Execution of divers Laws and Statutes heretofore made againſt Rogues, Vagabonds, and Sturdy Beggars, and other Lewd and Idle Perſons*, as relates to the privy Search thereby directed to be made, ſhall be and are hereby Repealed. [12. *A.*]

## CHAP. CXCVII.

### *Warrens.*

BE it Enacted, That if any Forreſter, Park-Keeper, or Warrener, ſhall find any Treſpaſſers wandering within his Liberty, intending to do Damage therein, and will not yeild themſelves to the ſaid Forreſters, Parkers, or Warreners, and after Proclamation of the Peace by him made, they do continue their Malice in diſobeying the King's Peace, do flee and defend themſelves by Force of Arms: Although ſuch Forreſters, *&c.* or any others aiding them, do Kill any ſuch Offender or Offenders, either in Arreſting or Taking them, they ſhall not be troubled before the King's Juſtices, nor loſe for doing the ſame either Life or Limb. Notwithſtanding, Let all Forreſters, Parkers, and Warreners, and all others beware, That, by Reaſon of any Malice, Diſcord, Debate, or other Evil had before time, they do not maliciouſly pretend, againſt any Perſon paſſing through their Liberties, that they came thither to do ſome Treſpaſs, when in Truth they did nothing tending thereunto, nor were found as Treſpaſſers there: And to kill him or them, if they do, and ſhall be Convicted thereof, they ſhall ſuffer according to the Law and Cuſtom of the Realm, as in Caſes of Murder. [21. *E.* 1.]

Foraſmuch as divers Warrens not incloſed, are us'd for the breeding and keeping of Conies in ſeveral Parts, and that ſundry diſſolute and diſorderly Perſons have been much encouraged to kill and deſtroy Conies in ſuch Warrens in the Night Time: For Remedy whereof, Be it Enacted, That if any perſon or perſons ſhall at any time enter wrongfully into any Warren or Ground lawfully us'd or kept for the breeding or keeping of Conies (altho' the ſame be not incloſed) and there ſhall chaſe, take, or kill any Conies, againſt the Will of the Owner, or Occupier thereof, not having Title or Lawful Autho-

sity so to do, and shall be thereof Lawfully Convicted in Manner hereafter following, the Parties so offending shall yield to the Party grieved, Treble Costs and Damages, and suffer Imprisonment for 3 Months, and after, until they shall find Sureties for their Good Behaviour. And forasmuch as divers idle and disorderly Persons living near unto Warrens, have of late Times used to kill and take Conies upon the Borders of the same, and under Colour thereof, do often-times enter into the said Warrens, and there take and kill Conies in the Night Time, when they cannot be easily discover'd: Therefore it is further Enacted, That no Person or Persons shall, at any time hereafter, kill or take in the Night Time, any Conies upon the Borders of any Warrens or other Grounds, Lawfully used for breeding or keeping of Conies (except only such Person or Persons as shall be Owners of the Soil, or Lawful Occupier or Possessor of the said Ground, or any person or persons employed by him or them, whereupon such Conies shall be so taken and kill'd) upon pain that every Person so offending, and shall be Convicted thereof, by the Oath of One credible Witness, before any One Justice of the Peace of the County, Riding, Division or Place, wherein such Offence shall be committed, within one Month after the Offence, shall give to the Party or Parties injured such Recompence or Satisfaction, and within such Time, as the said Justice shall appoint, and over and above pay down presently to the Overseers of the Poor where such Offence shall be committed, any Sum not exceeding 10 s. as the said Justice shall think meet; and if the Offender shall not pay the same, and make Recompence and Satisfaction as aforesaid, the said Justice may commit him to the House of Correction, for any Time not exceeding One Month. If any Person shall be found or apprehended setting or using any Snares, Hare-pipes, or other like Engines, and shall be thereof Convicted as aforesaid, he or they shall be subject and liable to the Penalties aforesaid, in the same Manner as is therein express'd. [23. C. 2. C. 25.]

Any Person that shall unlawfully Rob any Warren or Place where Conies or Hares are usually kept, with Disguised Faces, shall suffer Death as in Case of Felony, without Benefit of Clergy. [9. G.]

## CHAP. CXCVIII.

*An Act for making more effectual the several Acts past for Repairing and amending the Highways of this Kingdom.*

BE it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,

poral, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, that from and after the 24*th* Day of *June*, in the Year of our Lord, 1709, no Waggon Travelling for Hire, ſhall Go or be Drawn with more than Six Horſes, either at Length or in Pairs, or Sideways; and that from and after the ſaid 24*th* Day of *June*, no Cart Travelling for Hire, ſhall Go or be Drawn with more than 3 Horſes, under the Pains, Penalties and Forfeitures herein after mentioned (that is to ſay) that if any Travelling Waggon for Hire, ſhall from and after the ſaid 24*th* Day of *June*, Go or be Drawn with more than 6 Horſes, that the Owner or Driver of ſuch Waggon for Hire, ſhall Forfeit and Loſe all the Horſes above Six in a Waggon, with all Geers, Bridles, Halters and Accoutrements, to the ſole Uſe and Benefit of any Perſon or Perſons who ſhall Seize and Diſtrain the ſame; and if any Cart Travelling or Carrying for Hire, ſhall, at any time from and after the ſaid 24*th* Day of *June*, Go, Travel, or be Drawn with more than 3 Horſes, that the Owner or Driver of ſuch Cart ſo Travelling for Hire, ſhall Forfeit and Loſe all the Horſes above Three, with all Geers, Bridles, Halters and Accoutrements, to the ſole Uſe and Benefit of any perſon or perſons who ſhall Seize or Diſtrain the ſame.

Provided alſo, and it is hereby enacted and declared, that whatever perſon or perſons ſhall make any Seizure and Diſtreſs for any of the Penalties hereby incurred, ſuch perſon or perſons ſhall deliver the Horſe or Horſes, or other things ſo Seized or Diſtrained, into the Cuſtody of the Conſtable, or ſome other Parish Officer of the ſame, next, or adjacent Town or Pariſh, where ſuch Diſtreſs or Seizure is made (who are hereby Required to Receive into their Cuſtody, and ſafely to keep the ſame) till the perſon or perſons, who made ſuch Diſtreſs or Seizure, ſhall make Proof upon Oath before ſome Juſtice of the Peace of the Offence committed; and the ſaid Juſtice or Juſtices, before whom ſuch Proof is made, are hereby Required to iſſue their Precept to ſuch Conſtable or Pariſh Officer, immediately to deliver the Horſe or Horſes, or other things ſo forfeited, to the party or parties who ſeized or Diſtrained the ſame, to and for their ſole Uſe and Benefit, paying ſuch Reaſonable Charge for keeping and ſecuring ſuch other things as the ſaid Juſtice or Juſtices ſhall allow and direct.

And whereas one other great decay of the publick Highways or Roads of the Kingdom is greatly occaſioned by the very narrow Streaks or Tire of late uſed for binding the Wheels of Travelling Waggons for Hire, and ſetting on the ſame with Roſe-headed Nails:

For preventing of which, be it enacted, that from and after the 29th Day of *September*, 1709, no ſuch Travelling Waggon for Hire, having the Wheels bound with Streaks or Tire of a leſs Breadth than Two Inches and a half, when worn, or being ſet or faſtned on with Roſe-headed Nails, ſhall go or be drawn with more than 3 Horſes, every ſuch Owner or Driver of any ſuch Waggon, being ſo bound with Tire or Streaks of a leſs Breadth than 2 Inches and a half, when worn, or if of a greater Breadth, ſuch Tire or Streak ſhall be faſtned on with Roſe-headed Nails, ſhall forfeit and loſe all ſuch Horſes above the Number of Three, with all Geers, Bridles, Halters and Accoutrements, to be Seized, Diſtrained and Applied, in the ſame Manner, and to and for the ſame Uſes, as the other Forfeitures and Penalties in this Act are applied to and diſpoſed of.

And be it further enacted by the Authority aforeſaid, that if any perſon or perſons ſhall or do hinder, or with Force, or otherwiſe, attempt or endeavour to hinder or obſtruct the Seizing, Diſtraining, Taking or Carrying away of any Seizure or Diſtreſs, or Matter or Thing Seized or Diſtrained for any the Penalties or Forfeitures incurred, or to be incurred or forfeited by Virtue of this Act, or ſhall Reſcue the ſame, or ſhall uſe any Violence to the perſon or perſons concerned in making ſuch Seizure or Diſtreſs, each and every ſuch perſon or perſons ſhall, upon due Proof made upon Oath, by one or more credible Witneſs or Witneſſes, before one or more Juſtice or Juſtices of the Peace for the County wherein ſuch Offence is done, be committed by ſuch Juſtice or Juſtices to the Common Goal for the ſaid County for 3 Months, there to remain without Bail or Mainpriſe; and ſhall alſo loſe and forfeit, for every Offence, the Sum of 10 *l.* to be Levied and Recovered by Diſtreſs and Sale of the Offenders Goods and Chattles, by Virtue of a *Warrant* under the Hand and Seal of ſuch Juſtice and Juſtices (who is and are hereby Authorized and Required to grant the ſame;) and in caſe the ſaid Penalty be not paid within 3 Days after ſuch Diſtreſs made, then it ſhall and may be lawful to and for the Perſon or Perſons ſo Diſtraining, as aforeſaid, to Sell the Goods and Chattles ſo Diſtrained, rendring the Overplus to the Owner or Owners, the Charge of ſuch Diſtraining and Selling being firſt Deducted.

Provided always, that nothing in this Act contained, ſhall extend, or be conſtrued to extend to ſuch *Waggons*, *Wains*, *Carts*, or *Carriages*, as are or ſhall be employed in or about *Husbandry*, or *Manuring* of *Land*, and in the *Carrying* of *Cheeſe*, *Butter*, *Hay*, *Straw*, *Corn unthreſhed*, *Coals*, *Chalk*, or any *One Tree* or *Piece* of *Timber*, or any

any *One Stone*, or *Block* of *Marble*, *Carravans*, and the *Covered Carriages* of Noblemen and Gentlemen for their own private Uſe, or ſuch *Timber*, *Ammunition*, or *Artillery*, as ſhall be for the Service of his Majeſty, his Heirs and Succeſſors.

And be it Enacted by the Authority aforeſaid, That if any Action or Actions, ſhall, at any time or times hereafter, be Proſecuted or brought againſt any Perſon or Perſons whatſoever, for any Matter or Thing which he, ſhe, or they ſhall do, or cauſe to be done, by Virtue or in the Execution of this Act, that in ſuch caſe the Defendant or Defendants in every ſuch Action or Actions, ſhall and may plead the General Iſſue, and give this Act, and the ſpecial Matter in Evidence on any Tryal or Tryals to be hereafter had in ſuch Action or Actions; and that if the Plantiff or Plantiffs in any ſuch Action or Actions ſhall diſcontinue ſuch Action or Actions, or become Nonſuit, or that Judgment ſhall be given againſt him, her, or them, in ſuch Action or Actions, that then the Defendant or Defendants in every ſuch Action or Actions, ſhall Recover, his, her, or their full Coſts of Suit; any Law, Cuſtom or Uſage, or any Thing in this Act contained to the contrary notwithſtanding. [5 *G.*]

## CHAP CXCIX.

### *Watch and Ward.*

IN Walled Towns, the Gates ought to be ſhut from Sun-Set to Sun-Riſing, and none ſhall lodge in the Suburbs but ſuch as the Hoſt will anſwer for him. [5. *H.* 4. *C.* 5. 5. *E.* 3. *G.* 5.]

Any Juſtice of the Peace may cauſe the Watch to be ſet; but no Man is compellable to watch, except he is an Inhabitant of the Town. If any perſon is commanded to watch, and he doth refuſe ſo to do, the Officer may complain to a Juſtice of the Peace, who may bind him to anſwer his Refuſal, or the Officer may preſent him.

This Watch is to be kept from *Aſcenſion-Day* to *Michaelmas*, and to continue all Night, and Ward by Day,

## CHAP. CC.

### *Weights and Meaſures.*

THere are two Sorts of Weights now uſed, one is *Troy Weight*, being 12 Ounces to the Pound, and by it is weigh'd Bread, Gold, Pearl, Jewels, Silver, Silk, and Wheat. *Averdupoiſe Weight* is 16 Ounces to the Pound, and by this is weigh'd Butter, Cheeſe,

Druggs

Druggs, Flesh, Grocery, Flax, Hemp, Iron, Steel, Lead, Pitch, Tar, Tallow, Wax and Wool.

The Bushel must contain Eight Gallons, or Sixty Four Pints of Wheat, and must be kept Seal'd in every City, Borough or Town. [11. *H.* 6. *C.* 8. 31. *Ed.* 1. 12. *H.* 7.]

If any shall sell or buy with Measures unsealed, he shall be Amerced. [31. *Ed.* 1.]

Every City, Borough or Town, must have a Common Ballance, and Sealed Weights, in the keeping of the Head Officer thereof, or the Constable, otherwise the City forfeits 10 *l.* a Borough 5 *l.* a Town 40 *s.* to the King. Justices of the Peace have Power to hear and determine these Offences. [8 *H.* 6. *C.* 5.]

Mayors Refusing to Seal such Measures, shall forfeit 40 *s.* [7 *H.* 7. *C.* 7.]

Justices of the Peace *Quorum unus* have Power not only to examine into these Offences, but also to set Fines at Discretion, and the defective Weights and Measures are forfeited, and must be Burnt. [11 *H.* 7. *C.* 4.]

Head-Officers of Cities, Borough or Corporations, that do or shall suffer any Person to Buy or Sell in any other Measures, shall forfeit 5 *l.* one half to the Parish where the Offence shall be committed, and the other to the Informer. Constables have Power to search and examine into such Defaults, and may break the Measures, and present the Offenders at the Quarter-Sessions. [16 *Car.* 1. *C.* 19.—22 *Car.* 2. *C.* 8.]

Clerk of the Market, that shall give Allowance to any other Weight or Measure, shall forfeit 5 *l.*

## CHAP. CCI.

### *Witches.*

IF any Person shall Use, Practice or Exercise any Invocation or Conjuration of wicked or Evil Spirits, to or for any purpose, or take any Dead Man, Woman or Child out of the Grave, or Skin, Bone, or take any other part of any Dead Person, to be imploy'd in any Manner of Witchcraft, Sorcery, Charm or Inchantment, whereby any person shall be kill'd, wasted or consumed, or lamed in his or her Body, that every such person or persons shall suffer Pains of Death as Felons, without Benefit of Clergy. If any person shall take upon him by Witchcraft, Inchantment, Charm or Sorcery, to tell where Goods or Things lost or stolen may be found or become,

or where any Treasure is, to provoke any person to unlawful Love, or to hurt any person in his or her Body, Goods or Chattels, altho the same be not effected or done, shall be Imprisoned for One Year, without Bail or Mainprise, and Once in every Quarter of the same Year, shall stand in the Pillory Six Hours, where a Fair shall be kept; and for the second Offence shall suffer Death as Felons, without Benefit of Clergy. [1. *Jac.* C. 12.]

## CHAP. CCII.

### *Wood.*

BE it Enacted, That every *Constable*, *Headborough*, and other Person, in any Place where they shall be Officers, and other Inhabitants, shall and may apprehend every person that they shall suspect to have carry'd or conveyed away any Burden or Bundle of *Wood*, *Poles*, *Young Trees*, *Bark*, *Bafe* of *Trees*, *Gates*, *Stiles*, *Posts*, *Rails* or *Hedge-wood*, *Broom* or *Furz*. And by Warrant under the Hand and Seal of any One Justice of the Peace, directed to any Officer, such Officer may enter into and search the Houses, Out-houses, Yards, Gardens, and other Places belonging to the Houses of every person or persons they shall suspect to have any Kind of such *Wood* or *Trees*, &c. and where he shall find such *Wood*, &c. to apprehend every Person suspected for cutting and taking the same; and also those Persons apprehended carrying any kind of *Wood* off the Premises, and to carry them before any Justice of the Peace of the same County. And if such suspected Persons do not give a good Account how they came by the same, by the Consent of the Owner, as shall satisfie the said Justice; or within some convenient Time set by the said Justice, produce the Party of whom they bought the said *Wood*, or some credible Witness on Oath to prove such Sale, which Oath the said Justice hath Power to administer, such Persons so suspected, and not giving such good Account, nor producing such Witness, shall be adjudged as convicted for cutting and spoiling of *Woods*, *Underwoods*, *Poles*, *Trees*, *Gates*, *Stiles*, *Posts*, *Pales*, *Rails*, *Hedg-wood*, *Broom* or *Furz*, within the Meaning of the 43d. of *Eliz.* and lyable to the Punishments therein appointed: To be punisht as for a *Trespass* not Felony. Every Person so convicted, shall for the First Offence give the Owner Satisfaction for his Damages, within such Time as the Justice shall appoint, and over and above the same, pay down presently to the *Overseers of the Poor* of the Parish where such Offence was committed, such Sum of Money, not exceeding Ten Shillings, as the said Justice shall think fit; and in Default of either

of

of ſuch Payments, the ſaid Juſtice may commit ſuch Offender to the *Houſe of Correction* for ſuch time, not exceeding one Month, as the ſaid Juſtice ſhall think convenient, or to be Whipt by the Conſtable, or other Officer, as in his Judgment ſhall ſeem expedient. And if any Perſon or Perſons ſhall again commit ſuch Offences, and be thereof Convicted as before, then he or they ſhall be ſent to the *Houſe of Correction* for one Month, there to be kept to hard Labour, and if Convicted for the third Offence, as before, ſhall be deemed and adjudged as incorrigible Rogues.

And whoſoever ſhall buy any Burden of Wood, or any the Premiſes mentioned in this Act, ſuſpected to be ſtolen or unlawfully come by, the Juſtices, Mayors or chief Officers, or any one of them within their reſpective Juriſdictions, upon Complaint, may examine the Matter on Oath, and if he or they ſhall find that the ſame was bought of any Perſon ſuſpected to have ſtolen the ſame, or unlawfully come by it, then any one Juſtice of the Peace or chief Officer may award, that the Party that bought the ſame, ſhall pay treble the Value thereof to the Party from whom the ſame was ſtolen or unlawfully taken, and in Default of preſent Payment, to iſſue forth their reſpective Warrants, to Levy the ſame by Diſtreſs and Sale of the Offenders Goods, returning the Overplus to the Party, and in Default of ſuch Diſtreſs, to commit the Party to Goal, there to remain one Month without Bail.

Provided, that no Perſon be proſecuted by this Act, except within Six Weeks after the Offence committed. A Juſtice of the Peace cannot act relating to Wood in his own Caſe. [15 *Car.* 2. *C.* 2.]

## CHAP. CCIII.

*An Act to Explain and Amend an Act paſſed in the Firſt Year of his Majeſties Reign [intituled, an Act to Encourage the Planting of Timber-Trees, Fruit-Trees, and other Trees, for Ornament, Shelter or Profit, and for the better Preſervation of the ſame, and for the preventing the Burning of Woods] and for the better Preſervation of the Fences of ſuch Woods*

WHEREAS divers Lewd, Lawleſs, Turbulent and Diſorderly Perſons and others, ſometimes in an Open, Riotous and Tumultuous Manner, and at other times in a Clandeſtine, Malicious and Private Manner, do without the Conſent of the Owners) enter the *Woods*, *Wood-Grounds*, *Coppices*, *Plantations*, *Parks* and *Chaſes*, of divers Loods of Manors, and other Owners and Proprietors

tors thereof, and make great Havock and Deſtruction, by cutting down, breaking, throwing down, barking, plucking up, defacing, ſpoiling, taking or carrying away, the *Wood*, or *Springs* of *Wood*, *Poles*, *Woods*, *Tops* of *Trees*, *Fruit-Trees*, *Thorns*, *Quickſets* and *Underwoods*, there growing or being, and alſo by breaking open, throwing down, levelling and deſtroying the *Hedges*, *Gates*, *Poſts*, *Stiles*, *Railing*, *Fences*, *Ditches*, *Banks*, *Walls*, or other Incloſures of ſuch *Woods*, *Wood-Grounds*, *Parks*, *Chaſes* or *Coppices*, and the Offenders therein, being not diſcovered, paſs with Impunity, to the great Diſcouragement of all Owners, Planters and Preſervers of Wood, and to the great wrong and injury of ſuch Lords of Manors, and other Owners and Proprietors of ſuch *Woods*, *Wood Grounds*, *Parks*, *Chaſes*, *Coppices*, *Plantations*, *Timber-Trees*, *Fruit-Trees*, or other *Trees*, *Thorns* or *Quickſets*: And whereas ſome Doubts have ariſen whether the Offences committed in the Day-time, mentioned in Act paſſed in the Firſt Year of his Majeſties Reign, intituled, *An Act to encourage the Planting of Timber-Trees, Fruit-Trees, and other Trees, for Ornament, Shelter or Profit, and for the better Preſervation of the ſame, and for the preventing the Burning of Woods*, are puniſhable by the ſaid Act; And whereas there is no Proviſion made in the ſaid Act for puniſhing the Offences committed by Perſons who ſhall break open, throw down, level or deſtroy, the *Hedges*, *Gates*, *Poſts*, *Railing*, *Fences*, *Ditches*, *Banks*, *Walls*, or other Incloſurs of ſuch *Woods*, *Wood Grounds*, *Plantations* and *Coppices*: Therefore for the explaining and amending the ſaid Act, and for Remedying the ſeveral Miſchiefs herein before mentioned, and for the better preſerving of all ſuch *Wood-Springs* or *Springs* of *Wood*, *Poles*, *Quick-woods*, *Plantations*, *Underwoods*, *Woods*, *Coppice-woods*, *Gates*, *Poſts*, *Stiles*, *Railing*, *Fences*, *Hedges*, *Walls*, and other Incloſures of *Woods*, from being unlawfully cut, taken, ſpoiled, broken, burnt, deſtroyed, defaced, or carried away; and for the better diſcovering, and more effectual Puniſhment of ſuch Offenders therein, their Aiders and Abettors; and for the providing Satisfaction for the Damages the reſpective Propietors thereof ſhall ſuſtain thereby.

Be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, that if any Perſon or Perſons whatſoever, from and after the Twenty Fourth Day of *June*, which ſhall be in the Year of our Lord, 1720, ſhall, either by Day or Night, cut, take, deſtroy, break, throw down, bark, pluck up, burn,

deface, ſpoil or carry away, any *Wood-Springs*, or *Springs* of *Wood*, *Trees*, *Poles*, *Wood*, *Tops* of *Trees*, *Underwoods* or *Coppice-Woods*, *Thorns* or *Quickſets*, without the Conſent of the Owner or Owners of ſuch *Woods*, *Wood-Grounds*, *Parks*, *Chaſes* or *Coppices*, *Plantations*, *Timber Trees*, *Fruit Trees*, or other *Trees*, *Thorns* or *Quickſets*, or of the Perſon chiefly intruſted with the Care and Cuſtody thereof, or ſhall break open, throw down, level or deſtroy any *Hedges*, *Gates*, *Poſts*, *Stiles*, *Railing*, *Walls*, *Fences*, *Dikes*, *Ditches*, *Banks*, or other Incloſures of ſuch *Woods*, *Wood Grounds*, *Parks*, *Chaſes*, or *Coppices*, *Plantations*, *Timber-trees*, *Fruit-trees*, *Thorns* or *Quickſets*, ſuch Lords of Manors, Owners and Proprietors of the ſame, that is, are, ſhall, or may be damaged thereby, ſhall have ſuch Remedy, and have and receive ſuch Satisfaction and Recompence of and from the Inhabitants of the Pariſhes, Towns, Hamlets or Villages or Places, joining on ſuch Wood-Springs or Springs of Wood, Wood-Grounds, Parks, Chaſes or Coppices, and recover ſuch Damages againſt the Pariſh, Town, Hamlet, Vill, or Place, Pariſhes, Towns, Hamlets, Villages or Places aforeſaid, and in the ſame Manner and Form as for Dikes and Hedges overthrown by Perſons in the Night, or at another Seaſon when they ſuppoſe not to be eſpied, as in and by the Act of Parliament made in the 13*th* Year of the Reign of King *Edward* I. intituled, *Lords may approve againſt their Neighbours Uſurpations of Common, during the Eſtate of particular Tenants*, is ſet forth and provided, unleſs the party or parties ſo offending, ſhall, by ſuch Pariſh, Town, Hamlet, Vill or Place, Pariſhes, Towns, Hamlets, Villages or Places, be convicted of ſuch Offence within the ſpace of Six Months from the committing ſuch Offence or Offences; Any Law or Conſtruction to the contrary in any wiſe notwithſtanding.

And be it further enacted and declared by the Authority aforeſaid, That if any perſon or perſons, at any Time or Times, from and after the ſaid 24*th* Day of *June*, in a riotous, open, tumultuous, or in a ſecret and clandeſtine Manner, forceably or wrongfully, and maliciouſly, and without the Conſent of the Proprietor, Wood-Reeve, Wood Keeper, or Perſon chiefly intruſted with the Care, Over-ſight, and Cuſtody of ſuch *Woods*, *Wood-Grounds*, *Parks*, *Chaſes*, *Coppices*, or *Plantations*, ſhall cut down, deſtroy, break, bark, throw down, burn, take, deface, ſpoil, or carry away any Wood or Springs of Wood, Underwood or Coppice-Wood, or ſhall in ſuch Riotous, Forceable, Tumultuous, Secret or Clandeſtine Manner, as aforeſaid, Maliciouſly break open, throw down, level, or deſtroy any Hedges, Gates, Poſts, Stiles, Rails, Fences, Ditches, Banks or Incloſures

of

of ſuch Woods, Wood Grounds, Coppices, Plantations, Timber-Trees, Fruit-Trees, or other Trees, Thorns or Quickſets, that then it ſhall and may be lawful to and for any Two or more Juſtices of the Peace of the County, Riding, Diviſion, City, Town, Borough or Corporation, wherein any ſuch Offence or Offences ſhall be committed, or for the Juſtices in open Seſſions, upon complaint to them made by any Inhabitant of the aforeſaid Pariſh, Hamlet, Vill or Place, or of the Owner of ſuch Tree or Trees, Woods, Wood Grounds, Parks, Chaſes, Coppices or Plantations, or of any of other, to cauſe ſuch Offender or Offenders to be apprehended for the Trepaſſes and Offences aforeſaid, or any of them, and to hear and finally determine and adjudge all and every the Offence and Offences aforeſaid: And if ſuch Juſtices ſhall convict any perſon or perſons of all or any the Treſpaſſes and Offences aforeſaid, then ſuch Juſtices, immediately after ſuch Conviction, ſhall and are hereby required to inflict all and every the ſame penalties and puniſhments in the ſaid Act of the Firſt Year of his Majeſties Reign herein before mentioned, as fully and largely, and in the ſame manner, for all and every the Crimes and Offences herein before expreſſed, although not contained in the ſaid Act, as if the ſame were here again Repeated and Re-enacted.

Provided always, and be it enacted by the Authority aforeſaid, that in caſe any Action or Actions, Suit or Suits, ſhall at any time hereafter be brought, commenced or proſecuted againſt any perſon or perſons for any Cauſe, Matter or Thing, done in purſuance of this Act, or the before recited Acts, that the Defendants in ſuch Suit or Suits ſhall and may plead the General Iſſue, and thereupon give the ſpecial Matter of his Defence in Evidence; and in caſe a Verdict paſſes therein for ſuch Defendant or Defendants, or the Plaintiff becomes Nonſuit, or diſcontinues his Action, the Defendant or Defendants in ſuch caſe ſhall have and Recover treble Coſts; Any Law or Cuſtom to the contrary thereof in any wiſe notwithſtanding. [6 G.]

## CHAP. CCIV.

### *Wool.*

OWners of Wool, or their Agents, that ſhall at any time carry, or cauſe to be carried any Wool to be tranſported into Foreign Parts, ſhall firſt make an Entry thereof at the Port from whence it ſhall be convey'd; containing the Marks, Weights, and Numbers thereof, before they carry it within Five Miles of any ſuch Port or Place, or elſe ſuch Wool found, and Beaſts and Carriages conveying

it

it, ſhall be Forfeited, and the Perſons conveying or abetting the ſame, ſhall forfeit and ſuffer as by the Laws now in Force againſt the Exportation of Wool.

This ſhall not extend to hinder any Perſon from carrying their Wool from the Place of Shearing to their own Dwelling-Houſe, &c. though within Five Miles of the Sea, ſo as within Ten Days after Shearing and before they do otherwiſe diſpoſe of the ſame, they certifie under their Hands to the Officers of the Cuſtoms, the Quantity thereof, under the Penalties of the former Clauſe.

Any Perſons may buy Cloth, Stuff, Stockings, or other Woollen Manufactures, and Export the ſame, paying the uſual Cuſtoms.

Perſons aiding, aſſiſting or abetting in carrying off Wool, &c. ſhall ſuffer Three Years Impriſonment; and the Owner thereof ſhall forfeit treble the Value of ſuch Goods, and treble Coſts of Suit; all Penalties to be recover'd in any Courts at *Weſtminſter*. [1. *W.* & *M.* C. 32.]

The Act of the 7th of *W.* 3. except what is herein alter'd, ſhall be in Force. One Shilling *per* Pound Forfeiture for every Pound of Fullers Earth Exported. All Owners of Wool ſhorn, houſed or lodged within Ten Miles of the Sea-ſide, in *Kent* and *Suſſex*, ſhall give an exact Account in Writing, within Three Days after Shearing, under the Penalty of the Forfeiture of the Wool, and Three Shillings for every Pound. All Perſons laying or hiding any Wool within Fifteen Miles of the Sea, and not Entered, ſuch Wool ſhall be ſeiz'd and forfeited. No Wool to be removed from the Place where it was firſt Houſed after Shearing, or within Fifteen Miles of the Sea, upon Pain of being Forfeited if found, if not Three Shillings *per* Pound.

All Forfeitures and Penalties of this Act, ſhall be one third Part to the King, and the other two thirds to the Seizer or Proſecutor, which may be one at any Time within Three Years. [9. & 10. *W.* 3.]

*See more under* Tranſportation of Felons.

*See more under the Sixth of King* George *againſt* Importation of Brandy.

FINIS.

# CHAP. CCV.

*An Act for the better Regulation of the Woollen Manufacture, and for preventing Diſputes among the Perſons concern'd therein; and for limiting a Time for proſecuting for the Forfeiture appointed by an Act of the Twelfth Year of his Majeſty's Reign, in Caſe of Payment of the Workmens Wages, in any other Manner than in Money.*

WHEREAS divers Controverſies and Diſputes have ariſen between the *Clothiers* and *Makers* of Woollen Goods, and the Manufacturers imployed by them, concerning the Length of the Warping Bars, and the uncertainty of weights, by which *Wool*, *Yarn*, and other *Materials* uſed in the Manufacturing or making up of Woollen Goods, have been delivered out to the ſeveral Workmen imployed therein: Now for the better Regulating of the ſaid Manufacture, and the quieting or more ſpeedy determining all diſputes, which may happen for the future, Be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament Aſſembled, and by the Authority of the ſame, that from and after the 1ſt Day of *June*, 1727. it ſhall not be lawful for any Maker of mixed, medley, or white Cloth, to uſe or cauſe to be uſed any Bars, called Warping Bars, but only ſuch which ſhall be of the Meaſure and Length hereafter appointed; that is to ſay, every long warping Bar ſhall be in Length 3 Yards and 3 Inches, and no more; and every round warping Bar ſhall be 4 Yards and 4 Inches round, and no more; the ſaid 3 Inches in the long Bar, and the ſaid 4 Inches on the round Bar, being in lieu of the over Meaſure uſually allowed in Cloths; and alſo that the Thrums at the Ends of the warping Bars ſhall not exceed 18 Inches in Length; and if any Maker of ſuch Cloth ſhall after the ſaid 1ſt Day of *June* uſe, or cauſe to be uſed, any warping Bar of other Length or Meaſure than what is hereby appointed, or with Thrums exceeding 18 Inches in Length, every

ſuch Maker of ſuch Cloth ſhall for every ſuch Offence forfeit and pay the Sum of 10 l.

*And be it further Enacted by the Authority aforeſaid*, that every maker of ſuch Cloth or Goods mixed with Wool, ſhall give out all Wool, Yarn, or other Materials for ſuch Manufacture by weight, after the Rate of 16 Ounces to the Pound, and ſhall receive Back the ſame by the ſame Weight, without Fraud or Deceit, upon pain of forfeiting the Sum of 5 l. for every Offence contrary to the true Meaning of this Act.

And be it further Enacted by the Authority aforeſaid, That no Clothier or maker of Woollen Cloths, Druggets, or other Woollen Goods, or Goods mixed with Wool, ſhall uſe, or cauſe to uſed any Ends of Yarn, Welts, or other Refuſe of Cloths, Druggets, or other woollen Goods, or other Goods mixed with Wool, Flocks and Pinions only excepted. by working the ſame up again into any Sorts of Goods whatſoever, upon Pain of forfeiting and paying for every ſuch Offence, contrary to the true Meaning of this Act, the Sum of 5 l.

And be it Enacted, That all Proſecutions for Offences, contrary to the true Meaning of this Act, ſhall be heard and determined by two or more Juſtices of the Peace for the County, Diviſion, or Place, where ſuch Offence ſhall be committed, upon Information given upon Oath, within three Kalendar Months after ſuch Offence committed; and ſuch Juſtices are hereby authorized and required to examine, hear, and determine the ſame; and upon every Coviction for ſuch Offence to iſſue their Warrant or Warrants to levy ſuch Pains or Penalties by Diſtreſs and Sale of the Offenders Goods and Chattels; one Moiety thereof to the Uſe of the Informer or Informers, and the other Moiety to the Uſe of the Poor of the Pariſh where ſuch Offence or Offences ſhall be committed; and for want of a ſufficient Diſtreſs to commit the Offender or Offenders to the County Goal, for any time not exceeding the ſpace of three Months, or until Satisfaction be made by ſuch Offender or Offenders.

And be it Enacted, that all Diſputes and Demands, relating to Work, Wages or Damages, between any Clothier or Maker of woollen Goods, or Goods mixt with Wool, and any Weaver or other Perſon or Perſons imployed in ſuch Manufactures, ſhall be heard and determined by two or more Juſtices of the Peace for the County, Diviſion, or Place, where ſuch Diſpute or Demand ſhall ariſe, who are hereby requir'd and authorized, upon Complaint to them made, to ſummon the Parties, and to hear and examine upon Oath, and adjudge

adjudge ſuch Satisfaction, and to give ſuch Coſts and Damages to the Party aggrieved, as in their Diſcretion ſhall ſeem reaſonable, and to iſſue their Warrant or Warrants to levy ſuch Coſts and Damages by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons, who ſhall refuſe, for the Space of ten Days, to pay ſuch Coſts and Damages by them ſo adjudged; and for want of a ſufficient Diſtreſs, to commit the Party to the County Goal or Houſe of Correction, for any time not exceeding the ſpace of three Months, or until Satisfaction ſhall be made by the Party ſo offending.

Provided always, that it ſhall and may be lawful for any Perſon aggrieved by any Order of ſuch Juſtices, to appeal to the Juſtices of Peace at the next General Quarter Seſſions, to be holden for the County, Diviſion, or Place, where ſuch Order ſhall be made, giving ſix Days Notice in Writing of ſuch Appeal; and the Juſtices in their Quarter Seſſions are hereby authorized and required to hear and determine the Matter of ſuch Appeal, and make ſuch Order, and to award ſuch Coſts and Damages, as to them in their Diſcretion ſhall ſeem reaſonable; and to levy, by their Order or Warrants, ſuch Coſts and Damages ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of any Perſon or Perſons, who ſhall refuſe to obey the ſame; and for want of ſufficient Diſtreſs to commit the Party to the County Goal or Houſe of Correction, for any time not exceeding three Kalendar Months, or until Satisfaction ſhall be made by the Parties offending; and ſuch Award or Order of the Juſtices at the Quarter Seſſions ſhall be final; nor ſhall the Proceeding of any Juſtice or Juſtices, out of Seſſions, or of the Juſtices in their Seſſions, in Purſuance of this Act, be liable to be removed by *Certiorari*, or other Form or Proceſs of Law, any thing in this preſent, or any other Act or Acts contained to the contrary notwithſtanding.

And to prevent the ill Practices aforeſaid, and to detect the ſame, in Caſe they ſhall be committed, be it Enacted by the Authority aforeſaid, that it ſhall and may be lawful to and for any One or more Juſtice or Juſtices of the Peace, upon Information to him or them given on Oath, that any Perſon or Perſons are (or are ſuſpected to be) guilty of any the ill Practices aforeſaid, to iſſue out his or their Warrant or Warrants to any Conſtable, Tythingman, or other Peace Officer or Officers, or to any Churchwarden or Overſeer, directing him or them in the Day time to enter into any Houſe or Houſes, Shop or Shops, Warehouſe or Warehouſes, or o-

ther ſuſpected Place or Places, to ſearch for, and examine all ſuch Bars and Weights as ſhall be made Uſe of for the Purpoſes before mentioned, by any ſuch Clothier or Maker of Woollen Goods, as aforeſaid; and if any Clothier or Maker of Woollen Cloth ſhall interrupt any ſuch Officer or Officers, in the Execution of his or their Office or Offices, that then ſuch Clothier or Maker ſhall, for every ſuch Offence, forfeit and pay the Sum of 5 l.

And whereas ſeveral Abuſes have been committed in the Woollen Manufacture by Perſons, commonly call'd *Endgatherers*, going about the Counties within this Kingdom, and collecting, buying, and receiving from the Labourers employed in ſuch Manufacture, Ends of Yarn, Weſts, Thrums, ſhort Yarn, and other Refuſe of Cloth, Drugget, and other woollen Goods, and Goods mixt with Wool, Flocks and Pinions only excepted: Be it therefore Enacted by the Authority aforeſaid, that if from and after the ſaid firſt Day of *June*, 1727, any ſuch Perſon or Perſons ſhall be found collecting, buying, receiving, or any ways carrying or conveying ſuch Ends of Yarn, Weſts, Thrums, ſhort Yarn, or other Refuſe of *Cloth*, *Drugget*, or other woollen Goods, or Goods mixed with Wool, Flocks and Pinions only excepted, in any Bag or Bags, or other Convenience for carrying ſuch Ends of Yarn, Weſts, Thrums, ſhort Yarn, or other Refuſe of Cloth, Drugget, or other woollen Goods, or Goods mixed with Wool, that it ſhall and may be lawful for any *Conſtable*, or other *Peace Officer*, by Warrant under the Hand and Seal of one or more Juſtice or Juſtices of the Peace, to ſearch and examine ſuch Perſon or Perſons, his, her, or their Bag or Bags, or other Convenience for carrying ſuch *Ends of Yarn*, *Weſts*, *Thrums*, *ſhort Yarn*, or other *Refuſe of Cloth*, *Drugget*, or other *Woollen Goods*, or *Goods mixed with Wool*; and if on ſuch Search ſuch *Conſtable* or other *Officer* ſhall find on or with any ſuch Perſon or Perſons any ſuch *Ends of Yarn*, *Weſts*, *Thrums*, *ſhort Yarn*, or other Refuſe of *Cloth*, *Drugget*, or other *Woollen Goods*, or *Goods mixed with Wool*, Flocks and Pinions only excepted, that then ſuch *Conſtable* or other *Officer* ſhall carry ſuch Perſon or Perſons before One or more Juſtice or Juſtices of the Peace for the County, Diviſion, City, or Town Corporate, where ſuch Perſon ſhall be ſo found and diſcover'd ſo offending; which Perſon or Perſons, upon due Conviction of any of the ſaid Offences on Oath of One or more Witneſs or Witneſſes, or by Confeſſion of the Party or Parties, him, her, or themſelves, every ſuch Perſon ſo offending ſhall be deemed and taken to be a *dangerous*

*and*

*and incorrigible Rogue, Vagrant*, or *Perſon*, and ſhall be liable to be deemed, taken, and puniſhed as a *dangerous, and incorrigible Rogue, Vagrant*, or *Perſon*, in the ſame manner as is directed by the Statute of the 12th of the late Queen *Anne*.

*And be it further Enacted by the Authority aforeſaid*, That from and after the ſaid firſt Day of *June*, 1727, every Maker of mixed, medley, or white *Broad Cloath*, ſhall ſatisfy and pay to the *Weaver* or *Weavers* employed by ſuch Maker in or about the Weaving the ſame, according to the Number of Yards, that the ſaid Chains are laid on the *warping Bars*, and not otherwiſe, on Pain of forfeiting and paying for every Offence contrary to the true Meaning hereof, the Sum of 5 l.

*And be it further Enacted by the Authority aforeſaid*, That for preventing of the ill Practices uſed in in the exceſſive ſtraining of mixed or medley *Woollen Broad Cloth*, every *Owner or Proprietor* of *Tentor or Tentors*, *Rack or Racks* for ſuch Cloth, within the Counties of *Glouceſter*, *Wilts*, and *Somerſet*, ſhall, after the firſt Day of *Auguſt*, 1727. and he is hereby Required to meaſure ſuch *Tentor or Tentors*, *Rack or Racks*, as ſhall be made uſe of for tentering or or racking ſuch Cloth, and to mark or number in Figures plain and fair to be ſeen, the true Length of Yards of each *Tentor* or *Rack*, beginning at Number 1. and ſo continuing to the End thereof, upon the top Bar belonging to each *Tentor* or *Rack*, and on the Foreſide thereof; each Yard to contain 36 Inches, to which ſhall be added one Inch more, being in lieu of the Overmeaſure uſually allowed in Cloths, ſo that the ſame Length ſhall contain 37 Inches, to prevent any Diſputes in reſpect of meaſuring by the Yard; and if any ſuch *Tentor* or *Tentors*, *Rack* or *Racks* ſhall, after the ſaid firſt Day of *Auguſt*, 1727, be found not to be meaſured or truly marked and numbered, as aforeſaid, the Owner or Proprietor of ſuch *Tentor* or *Tentors*, *Rack* or *Racks*, ſhall forfeit and pay the Sum of 5 l. for each *Tentor* or *Rack* that ſhall be found not ſo numbered and marked, as aforeſaid; and the Juſtices of the Peace for the Counties aforeſaid, in their reſpective General Quarter Seſſions next after *Midſummer-day* next, and afterwards, at their General Quarter Seſſions next after *Eaſter* Yearly and every Year, ſhall chooſe and appoint ſo

many

many skilful Men of good Character and Repute within the said respective Counties, as they shall think reasonable, to be Inspectors for the Year ensuing, and may allow to each of them a Salary, not exceeding 30 l. *per Annum*, to be paid out of such Money as shall be received by the Treasurers of the said Counties respectively, as is herein after directed; which said Inspectors shall, and they hereby have full Power at all seasonable Times in the Day Time (*Sundays* excepted) to enter and inspect all and every the Mill and Mills, Shop and Shops, Outhouse and Outhouses, and *Tentor* Grounds of every Clothier, Milman, and other Person concerned in the Manufacturing and Milling of mixed or medley Wollen Broad Cloath; and they are to measure the Length of every *Tentor* or *Rack*, and Length and Breadth of every such Cloth he shall there find, before it shall be carried from thence, and shall stamp his Name upon a Lead Seal, to be furnished by the Maker of such Cloth or Cloths, and affix the same on the Head End of every such Cloth, and shall keep One or more Book or Books, wherein shall be Registred or set down such *Clothier*'s, *Milman*'s, or other Person's Name, and the Number and exact Length and Breadth of every such Cloth, which shall be made within their respective Divisions; and shall at every General Quarter Sessions of the Peace, to be holden for the County, City, or Town Corporate, wherein they shall be so appointed respectively, give in a true Copy of such Register, with an Account of what Pains, Penalties, and Forfeitures, have been levied, recovered, and received, by Virtue of this Act, within their respective Divisions; and no Inspector shall enter upon the Execution of such his Office, before he hath taken the Oath following before One of his Majesty's Justices of the Peace for the County, City, or Town, wherein he shall be appointed Inspector:

I A. B. *do swear, That I will well and truly execute the Office of an Inspector of mixed or medley Woollen Broad Cloth within this County,*

*County; according to the Laws and Statutes of this Realm, and according to the beſt of my Skill and Knowledge. So help me God.*

And if from and after the ſaid firſt Day of *Auguſt*, 1727, any Clothier or Maker of any ſuch Cloth, or any Milman or other Perſon, within the Counties aforeſaid, ſhall refuſe ſuch Inſpector or Inſpectors to enter the ſaid Places, or any of them for the Purpoſes aforeſaid, the Perſon ſo refuſing or reſiſting ſhall forfeit and pay the Sum of 10 l.

*Provided, and be it Enacted*, That if any ſuch Inſpector or Inſpectors, appointed as aforeſaid, do or ſhall act therein againſt his or their ſaid Oath or Oaths, he or they being convicted thereof, ſhall forfeit and pay the Sum of 20 l.

And for the raiſing the aforeſaid Salaries for the Inſpectors aforeſaid, Be it enacted, That from and after the ſaid firſt Day of *Auguſt*, every Maker or Makers of mixed or medley Woollen Broad Cloth, within the Counties aforeſaid, ſhall pay to the ſaid *Inſpector* or *Inſpectors*, appointed as aforeſaid, the Sum of 2 *d. per* Cloth, for every ſuch Cloth he, ſhe, or they ſhall make, before the ſaid Cloths are ſent away from the ſaid *Mill* or *Mills*; and the ſaid *Inſpector* or *Inſpectors* ſhall every Three Months, or oftner, pay the Money by him or them ſo received, into the Hands of the Treaſurer of the County for the Time being, where ſuch *Inſpector* or *Inſpectors* ſhall live, or exerciſe his or their Office or Offices, to be applyed by the Direction of the ſaid Juſtices, at their General Quarter Seſſions, towards the Salaries of *Inſpectors* to be appointed by Virtue of this Act.

And if any *Milman* within the Counties aforeſaid ſhall, after the ſaid firſt Day of *Auguſt*, ſend home to any Clothier or Maker of Cloth, any ſuch Cloth or Cloths, as aforeſaid, before they are inſpected and meaſured, as aforeſaid, then ſuch *Milman* ſhall, for every Piece of Cloth ſo ſent home, forfeit and pay the Sum of 40 s.

*Provided always*, that nothing in this *Act* contained, ſhall extend, or be conſtrued to extend, to repeal or make void, any Powers formerly given by *Charter* or *Act of Parliament* to the

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Corporation of Clothiers in the City of *Worceſter*, for the better governing or regulating the *Woollen Manufacture*, but that the ſame ſhall and may be us'd and exerci'sd, as if this *Act* had not been made, any thing herein contain'd to the contrary notwithſtanding.

And whereas by an *Act* paſſed in the 12th Year of the Reign of his preſent Majeſty [Intituled, *An Act to prevent Unlawful Combinations of Workmen imployed in the Woollen Manufactures, and for the better Payment of their Wages*] It is Enacted, That if any *Clothier*, *Sergemaker*, *Woollen* or *Worſted Stuffmaker*, or Perſon concerned in making any *Woollen Cloths*, *Serges* or *Stuffs*, or any ways concerned in imploying *Woolcombers*, *Weavers*, or or other Labourers in the Woollen Manufactures, as aforeſaid, ſhall pay any Perſon or Perſons employed by them, their Wages or other Price agreed on, or any Part thereof, either in Goods, or *by way of Truck*, or in any other manner than in *Money*, every Perſon ſo offending ſhall forfeit and pay the Sum of 10 l.

And whereas by the ſaid *Act* no Time is limited for proſecuting for ſuch Offence, as aforeſaid, *Be it therefore Enacted by the Authority aforeſaid*, that every Proſecution for ſuch Offence, by Virtue of the ſaid recited *Act*, ſhall be commenced within the Space of three Months next after ſuch Offence committed, and not otherwiſe. *And be it further Enacted*, that if any Perſon is Sued or Moleſted for any Matter done in purſuance of this *Act*, ſuch Perſon may plead the General Iſſue, and may give this *Act*, and the ſpecial Matter in Evidence; and if, after the Defendant or Defendants ſhall have appeared, the Plaintiff ſhall be non-ſuited, or diſcontinue his Action, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff, or if a Verdict is given for the *Defendant* or *Defendants*, the *Defendant* or *Defendants* ſhall and may recover Treble Coſts, for which he and they ſhall have the ſame Remedy, and all Advantages as in Caſes wherein Coſts are by Law given to Defendants. *And be it further enacted*, that this Act ſhall be taken and allowed as a Publick Act, of which all Courts and Juſtices are required to take Notice, without ſpecial pleading the ſame. [13 K. G. 1.]

## CHAP. CCVI.

### *An Act for preventing Frauds and Abuſes in the Dying Trade.*

BE it Enacted by the Authority of this preſent Parliament, That if after the 24th May of *June*, 1727, any Perſon or Perſons whatſoever, ſhall, within that Part of *Great Britain* called *England*, *Wales*, and *Berwick* upon *Tweed*, dye or cauſe to be dyed Black, or as or for Black, any Bays, or other Woollen Goods, as or for Mather Blacks, the ſame not being dyed throughout with Woad, Indigo, and Mather only, without any otner Ingredient or Mixture, giving Tincture or Colour, or ſhall dye or cauſe to be dyed Black, or as or for Black, any Cloths, Long Ells, Bays, or other woollen Goods, as or for Woaded Blacks, the ſame not being woaded throughout, every Perſon offending in the Premiſſes, ſhall forfeit and pay for ſuch deceitful and falſe Mathered Blacks as followetq, (that is to ſay)

For every long *Bocking* Bays, containing ſeventy Yards or upwards, Forty four Shillings.

For every *Colcheſter* Bays or ſhort Bays, containing thirty five Yards or upwards, the Sum of twenty two Shillings, and ſo in proportion for any greater or leſs Quantity of any ſuch Bays, or of any other woollen Goods falſly or deceitfully Mathered, or pretended to be Mathered as aforeſaid.

For every Cloth falſly and deceitfully dyed Black without being woaded throughout, containing Forty four Yards or more, the Sum of Forty Shillings.

For every Piece of Bays falſly and deceitfully dyed, as aforeſaid, containing ſeventy Yards or upwards, thirty Shillings.

For every *Colcheſter* or ſhort Bays, containing thirty five Yards or upwards, twelve Shillings.

For every *Perpetuana* or Stuff, falſely and deceitfully dyed as aforeſaid, the Sum of Four Shillings, and ſo in proportion for any other woollen Goods falſely and deceitfully dyed, as and for woaded Blacks as aforeſaid.

*And be it Enacted by the Authority aforeſaid*, that all Woollen Goods and Manufactures, which ſhall be truly Mathered Black, according to the Directions of this Act, ſhall be marked with a

Red Roſe and a Blue Roſe, and all woollen Goods and Manufactures which ſhall be truly woaded Black throughout, according to the Directions of this Act, ſhall be marked with a Blue Roſe only; and if any Perſon or Perſons whatſoever ſhall, after the ſaid 24th Day of *June*, counterfeit or forge, or cauſe to be counterfeited or forged any of the ſaid Marks, or ſhall dye, ſtain, imprint, or affix any ſuch Mark or Marks to any of the Woollen Goods or Manufactures aforeſaid, falſely and deceitfully dyed as or for Mather or woaded Blacks, as aforeſaid, every ſuch Offender ſhall, for every ſuch Offence, forfeit and pay Four Pounds for every Piece of Goods to which the ſaid Mark or Marks ſhall be affixed as aforeſaid.

And be it Enacted *by the Authority aforeſaid*, that if after the ſaid 24th Day of *June*, any Perſon or Perſons whatſoever ſhall uſe, or cauſe to be uſed, any *Logwood* in dying of *Blue*, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings for every Piece of Cloth ſo dyed, containing in Length Forty four Yards or more, and twenty two Shillings for every long Piece of *Bocking Bays*, containing in Length Seventy Yards or more, and twelve Shillings for every *Colcheſter* or ſhort *Bays*, containing in Length thirty five Yards or more, and four Shillings for every *Perpetuana* or Stuff, containing in Length twenty four Yards or more, and ſo in proportion for all other ſorts of Woollen Goods dyed *Blue* with *Logwood*, contrary to this Act.

And for more effectual preventing the Frauds and Abuſes aforeſaid, and for better Diſcovery thereof, be it further Enacted, that it ſhall and may be lawful for the Juſtices of the Peace at their General or Quarter Seſſions of the Peace for any *County*, *City*, *Town*, or *Place*, to appoint honeſt and ſkilful Perſons to be Searchers; and it ſhall be lawful for all, or any ſuch Searchers ſo to be appointed by the Juſtices of the Peace, as aforeſaid, taking to his or their Aſſiſtance a Conſtable, or other Peace Officer of the Place (who is and are hereby required to be aiding and aſſiſting in the Premiſſes) at all ſeaſonable and convenient Times in the Day Time, to enter into the Shop, Warehouſe, or Workhouſe, of any Perſon or Perſons, or Company, or Corporation whatſoever, uſing or exerciſing the Trade, Art, or Miſtery of *Dying*; or into the Shop, Warehouſe, or Workhouſe of any other Perſon concern'd in the *Dying* of any ſuch Woollen Goods as aforeſaid, or in the making or fixing ſuch Marks to the ſame as aforeſaid, to ſearch and examine all, or any *Cloths*,

*Bays*,

*Bays*, *Stuffs*, and other woollen Goods dyed or to be dyed Black or Blue; and if any Perſon or Perſons ſhall oppoſe, hinder, or refuſe ſuch Search, every ſuch Offender ſhall, for every ſuch Offence, forfeit and pay ten Pounds.

*And be it Enacted by the Authority aforeſaid*, that all Offences againſt this Act, where the Penalties or Forfeitures ſhall exceed the Sum of Five Pounds, ſhall or may be recover'd by Action of Debt, Bill, Plaint, or Information, in any of his Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoign, Privilege, Protection, or Wager of Law ſhall be granted or allowed, nor any more than one Imparlance; and in Caſes where the Penalties or Forfeitures ſhall not exceed the Sum of Five Pounds, the Matter of the Offence ſhall or may be examined, heard, and determined by two or more Juſtices of the Peace for the *County*, *City*, *Town*, or *Place*, where the Offence ſhall be committed (ſuch Juſtices not being concerned in the Matter of the ſaid Complaint) which Examination ſhall be upon Oath of One or more credible Witneſs or Witneſſes, which Oath ſuch Juſtices are hereby impowered and required to adminiſter; and all Penalties and Forfeitures which ſhall happen by virtue of this Act, the whole of ſuch Penalties and Forfeitures ſhall go and be, to the Informer or Informers, and Proſecutor or Proſecutors; and in Caſe any Offender ſhall neglect or refuſe to pay any of the ſaid Penalties or Forfeitures, where the ſame ſhall not exceed the Sum of Five Pounds, by the Space of twenty Days after the Conviction of ſuch Offender, that then it ſhall be lawful to and for the Juſtices of the Peace, before whom ſuch Conviction was had, and ſuch Juſtices are hereby required to iſſue their *Warrant* or *Warrants* under their Hands and Seals to the Conſtable or Conſtables of the *Ward*, *Preſinct*, *Pariſh*, *Town*, or *Place*, where ſuch Offenders ſhall inhabit, or can be found (within the Limits of his or their Juriſdiction) to levy the ſame by Diſtreſs and Sale of the Offenders Goods, returning the *Overplus* (if any be) to the Owner or Owners, and where no ſufficient Diſtreſs can be found, to commit the Offender and Offenders to the Houſe of Correction, there to be kept to hard Labour, for ſuch Time as the Juſtices of the Peace, before whom ſuch Conviction ſhall be had, ſhall think fit, not exceeding three Months

Provided, That all Proſecutions for Offences againſt this Act, ſhall be commenced within Forty Days next after the Offence committed or diſcovered, and ſhall be proſecuted with Effect, and

without wilful Delay; and if any Perſon or Perſons ſhall find him or themſelves aggrieved by the Judgment or Order of any of the ſaid Juſtices of the Peace, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace at the next General Quarter Seſſions to be held for the *County*, *City*, *Town*, or *Place*, where the Offence ſhall be committed, giving reaſonable and ſufficient Notice of ſuch Appeal, and the Judgment and Determination of the Juſtices at ſuch General Quarter Seſſions ſhall be final; and they have hereby Power, upon ſuch Appeal, to allow ſuch reaſonable Coſts and Charges to either Party, as they ſhall think juſt, to be levied and paid in ſuch manner, as is uſual in other Caſes of Appeal from Orders of Juſtices of the Peace to the General Quarter Seſſions.

*And be it Enacted by the Authority aforeſaid*, That if any Action or Suit ſhall be commenced or proſecuted againſt any Perſon or Perſons for any thing he or they ſhall do in purſuance of this Act, or in the Execution of any of the Powers thereby granted, all and every Perſon and Perſons ſo ſued may plead the General Iſſue, and give this Act, and the ſpecial Matter, in Evidence; and if the Plaintiffs or Proſecutors ſhall become Nonſuited, or forbear Proſecution, or ſuffer Diſcontinuance, or a Verdict ſhall be given againſt him or them, or Judgment upon Demurrer, the Defendant or Defendants ſhall recover his and their treble Coſts, for which he and they ſhall have like Remedy as in Caſes where Coſts by Law are given to Defendants; and this Act ſhall be taken and allowed as a Publick Act in all Courts and Places within this Kingdom; and all Judges, Juſtices, and others, are hereby required to take Notice thereof as ſuch, without ſpecial pleading of the ſame. [13. K. G. 1.]

## CHAP. CCVII.

### *Ale Licenſes.*

BE it Enacted, That all Mayors, Town-Clerks, and other Perſons, whom it may concern, who ſhall take any ſuch Recognizances, ſhall be obliged to make or cauſe to be made out *Ale-Licenſes* duly ſtampt before ſuch Recognizances be taken, under the Penalty of Ten Pounds for every ſuch Offence. [6. K. G. 1.]

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## CHAP. CCVIII.

*An Act to prevent Frivolous and Vexatious Arreſts.*

FOR the more effectual preventing *Frivolous and Vexatious Arreſts*, Be it Enacted, That from and after the 24th Day of *June*, 1726, no Perſon ſhall be held to ſpecial Bail upon any Proceſs iſſuing out of any Superior Court, where the Cauſe of Action ſhall not amount to the Sum of Ten Pounds or upwards; nor out of any Inferior Court, where the Cauſe of Action ſhall not amount to the Sum of Forty Shillings or upwards; and that in all Caſes, where the Cauſe of Action ſhall not amount to the Sum of Ten Pounds or upwards in any ſuch ſuperior Court, or to Forty Shillings or upwards in any ſuch inferior Court (and the Plaintiff or Plaintiffs ſhall proceed by the way of Proceſs againſt the Perſon) he, ſhe, or they ſhall not arreſt, or cauſe to be arreſted, the Body of the Defendant or Defendants, but ſhall ſerve him, her, or them perſonally, within the Juriſdiction of the Court, with a Copy of the Proceſs; and if ſuch Defendants ſhall not appear at the Return of the Proceſs, or within Four Days after ſuch Return, in ſuch Caſe it ſhall be lawful to and for the Plaintiff or Plaintiffs, upon Affidavit being made, and filed in the proper Court, of the perſonal Service of ſuch Proceſs, as aforeſaid, (which ſaid Affidavit ſhall be filed *Gratis*) to enter a Common Appearance, or file Common Bail for the Defendant or Defendants, and to proceed thereon, as if ſuch Defendant or Defendants had enter'd his, her, or their Appearance, or filed Common Bail; Any Law or Uſage to the contrary notwithſtanding.

*And be it further Enacted*, That from and after the ſaid 24th Day of *June*, 1726, in all Caſes, where the Plaintiff or Plaintiffs Cauſe of Action ſhall amount to the Sum of Ten Pounds, or Forty Shillings, or upwards, as aforeſaid, Affidavit ſhall be made and filed of ſuch Cauſe of Action (which Affidavit may be

be made before any Judge or Commiſſioner of the Court, out of which ſuch Proceſs ſhall iſſue, authorized to take Affidavits in ſuch Courts, or elſe before the Officer who ſhall iſſue ſuch Proceſs, or his Deputy) which Oath ſuch Officer, or his Deputy, are hereby impowered to adminiſter; and for ſuch Affidavit One Shilling, over and above the Stamp Duties, ſhall be paid, and no more; and the Sum or Sums ſpecified in ſuch Affidavit, ſhall be indorſed on the Back of ſuch Writ or Proceſs, for which Sum or Sums ſo indorſed the Sheriff, or other Officer to whom ſuch Writ or Proceſs ſhall be directed, ſhall take Bail, and for no more: But if after the ſaid 24th Day of *June*, 1726, any Writ or Proceſs ſhall iſſue for the Sum of Ten Pounds or upwards, and no Affidavit and Indorſement ſhall be made as aforeſaid, the Plaintiff or Plaintiffs ſhall not proceed to arreſt the Body of the Defendant or Defendants, but ſhall proceed in like manner, as is by this Act directed in Caſes where the Cauſe of Action does not amount to the Sum of Ten Pounds, or Forty Shillings, or upwards, as aforeſaid.

Whereas the Statute made in the 21ſt Year of the Reign of King *James* the Firſt, *for the more effectual preventing the Delays and Expence occaſioned by the Removal of ſmall Cauſes out of inferior Courts*, has been of late evaded and rendred ineffectual, by the Contrivance of *Vexatious Defendants*, who by ſetting up a fictitious Action againſt themſelves, for a pretended Demand of Five Pounds, or upwards, by ſuch their Contrivance procure the ſmalleſt Actions to be removed by Writs of *Habeas Corpus*, out of the inferior into the ſuperior Courts, whereby the Plaintiffs, in ſuch ſmall Actions, which will not bear the Expence of ſuch ſuperior Courts, are neceſſitated to ſubmit to the Loſs of their juſt Demands: Now for preventing ſuch Abuſes, and rendring the ſaid Statute more effectual for the future; *Be it Enacted*, that from and after the ſaid 24th Day of *June*, the Judge or Judges of ſuch inferior Courts, as are deſcribed in the ſaid Statute, ſhall or may proceed in ſuch Actions, Bills, Plaints, Suits, or Cauſes,

Cauſes, as are therein ſpecified, which appear or are laid, not to exceed the ſum of Five Pounds, although there may be other Actions againſt ſuch Defendant or Defendants, wherein the Plaintiff or Plaintiffs Demands ſhall or may exceed the ſaid Sum of Five Pounds.

And for avoiding the great Miſchiefs and Abuſes, which ariſe from infamous and wicked Perſons already convicted of *wilful Perjury* or *Forgery*, practiſing as *Attorneys* or *Sollicitors*, in Courts of Law and Equity: *Be it Enacted*, That if any Perſon who hath been, or who ſhall be convicted of *Forgery*, or of wilful and corrupt *Perjury*, or *Subornation of Perjury*, or common *Barretry*, ſhall, after the ſaid 24th Day of *June*, act or practiſe as an *Attorney*, or *Sollicitor*, or *Agent*, in any Suit or Action, brought or to be brought in any Court of Law or Equity, within that part of *Great Britain* called *England*, the Judge or Judges of the Court, where ſuch Suit or Action is or ſhall be brought, ſhall, upon Complaint or Information thereof, examine the Matter in a ſummary Way in open Court; and if it ſhall appear to the *Satisfaction of ſuch Judge or Judges*, that the Perſon complain'd of, or againſt whom ſuch Information ſhall be given, hath offended contrary to this *Act*, ſuch Judge or Judges ſhall cauſe ſuch Offender to be tranſported for ſeven Years, to ſome or one of His Majeſty's Colonies or Plantations in *America*, by ſuch Ways, Means, and in ſuch Manner, and under ſuch Pains and Penalties, as Felons in other Caſes are by Law to be tranſported.

*Provided* always, That this *Act*, or any Thing herein contained, ſhall not extend to that part of *Great Britain* called *Scotland*.

*Provided* alſo, and be it *Enacted*, That this *Act* ſhall continue in Force for the Term of Five Years, and from thence to the End of the next *Seſſion of Parliament*, and no longer. [12 K. G. 1.]

CHAP.

## CHAP. CCIX.

### *Cyder and Perry.*

FOR the avoiding of Diſputes in Charging of the Duties upon *Cyder* and *Perry*, Be it Enacted and Declared, That every Perſon who ſhall buy any *Cyder* or *Perry*, or any Fruit to make into *Cyder* or *Perry*, and ſhall ſell any of the *Cyder* or *Perry* ſo bought or made by the Hogſhead, or any greater or leſſer Meaſure, ſhall be deemed and taken to be a Retailer of *Cyder* or *Perry*, and ſhall be Chargeable with the Duties for ſuch *Cyder* and *Perry* ſo ſold or bought for Sale. [8. & 9. *W.* 3.]

And whereas divers Dealers in *Cyder* and *Perry*, and Perſons receiving into their Cuſtody great Quantities of *Cyder* and *Perry*, ſent or brought to them from diſtant or remote Places, have frequently refuſed to permit the Officers of and for his Majeſties Duties of Exciſe, to enter and go into the *Cellars*, *Storehouſes*, and *Places* to them belonging, or by them uſed for the laying or keeping of ſuch *Cyder* and *Perry*, and to Gauge and take Accounts thereof, for the better aſcertaining and charging the Duties on ſuch *Cyder* and *Perry*, impoſed thereon by ſeveral Acts heretofore made for continuing the Duties on *Malt*, *Mum*, *Cyder*, and *Perry*, whereby his Majeſty hath been defrauded in the ſaid Duties granted by ſuch Acts heretofore made: And whereas upon ſuch Occaſions ſuch Dealers in *Cyder* and *Perry* and ſuch other Perſons have inſiſted, That ſuch *Cyder* and *Perry* ſent to, or recived by them, ought not to be ſurveyed, Gauged, or taken Notice of by ſuch Officer or Officers of Exciſe, unleſs Proof be made or produced of the reſpective Times and Places when and where ſuch *Cyder* and *Perry* were bought: And whereas the producing ſuch Proof is altogether impracticable to be made by the Officer for the ſaid Duties, eſpecially in Caſes and Inſtances where ſuch *Cyder* and *Perry* have been brought from remote Places; Be it therefore Enacted, That every ſuch Dealer in *Cyder* or *Perry*, and Perſon or Perſons, as aforeſaid, ſo receiving into his, her, or their Cuſtody or Cuſtodies ſuch *Cyder* and *Perry*, or either of them, ſhall be chargeable, and hereby is, are and ſhall be charged with the Duties upon *Cyder* and *Perry* by this Act granted and impoſed, unleſs they reſpectively do and ſhall make it appear, either

either that ſuch *Cyder* and *Perry* was made of and from Fruit of his, her, or their own Growth, and not of or from bought Fruit, or that the Duties on *Cyder* and *Perry* hereby Granted, were and have been duly charged, or duly paid for or in reſpect of ſuch *Cyder* and *Perry*. [4. K. G. 1]

For all *Cyder* and *Perry*, which at any Time or Times from and after the 23d Day of *June*, 1727, and before the 24th Day of *June*, 1728, ſhall be made for Sale within that Part of *Great Britain* call'd *Scotland* (over and above all other Duties payable for *Cyder* and *Perry*, made and ſold by Retail) the Sum of Four Shillings for every Hogſhead, and ſo in proportion for a greater or leſſer Quantity, to be paid by the reſpective firſt Buyers or Retailers thereof. [13. K. G. 1.]

## CHAP. CCX.

*An Act for enabling the Sale of Goods diſtrained for Rent, in Caſe the Rent be not paid in a Reaſonable Time.*

WHEREAS the moſt ordinary and ready Way for Recovery of Arrears of Rent is by Diſtreſs, yet ſuch Diſtreſſes not being to be ſold, but only detained as Pledges for enforcing the Payment of ſuch Rent, the Perſons Diſtraining have little Benefit thereby: For the Remedying thereof;

Be it Enacted and Ordained by the King and Queen's moſt Excellent Majeſties, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by Authority of the ſame, That from and after the Firſt Day of *June*, in the Year of our Lord, 1690, that where any Goods or Chattels ſhall be Diſtrained for any Rent reſerved and due upon any Demiſe, Leaſe or Contract whatſoever, and the Tenant or Owner of the Goods ſo Diſtrained, ſhall not, within Five Days next after ſuch Diſtreſs taken, and Notice thereof (with the Cauſe of ſuch taking) left at the Chief Manſion Houſe, or other moſt notorious Place on the Premiſſes, charged with the Rent Diſtrained for, Replevy the ſame, with ſufficient Security to be given to the Sheriff, according to Law, that then in ſuch Caſe after ſuch Diſtreſs on Notice, as aforeſaid, and Expiration of the ſaid Five Days,

the Perſon diſtraining ſhall and may, with the Sheriff or Under-Sheriff of the County, or with the Conſtable of the Hundred, Pariſh or Place where ſuch Diſtreſs ſhall be taken (who are hereby requir'd to be aiding and aſſiſting therein) cauſe the Goods and Chattels ſo Diſtrained, to be appraiſed by Two ſworn Appraiſers (whom ſuch Sherriff, Under-Sherriff, or Conſtable, are hereby impowered to ſwear) to appraiſe the ſame truly according to the beſt of their Underſtandings; and after ſuch Appraiſement ſhall and may lawfully ſell the Goods and Chattels ſo Diſtrained, for the beſt Price can be gotten for the ſame, towards Satisfaction of the Rent for which the ſaid Goods and Chattels ſhall be Diſtrained, and of the Charges of ſuch Diſtreſs, Appraiſement and Sale, leaving the Overplus (if any) in the Hands of the ſaid Sheriff, Under-Sheriff or Conſtable for the Owners Uſe.

And whereas no Sheaves or Cocks of Corn looſe or in the Straw, or Hay in any Barn or Granary, or on any Hovel, Stack or Rick, can by the Law be Diſtrained, or otherwiſe ſecured for Rent, whereby Landlords are oftentimes couſened and deceived by their Tenants, who ſell their Corn, Grain and Hay to Strangers, and remove the ſame from the Premiſſes chargeable with ſuch Rent, and thereby avoid the Payment of the ſame:

*Be it further Enacted by the Authority aforeſaid*, That for remedying the ſaid Practice and Deceit, It ſhall and may, from and after the ſaid Firſt Day of *June*, be lawful to and for any Perſon or Perſons having Rent, Arrear and Due upon any ſuch Demiſe, Leaſe or Contract, as aforeſaid, to ſeize and ſecure any Sheaves or Cocks of Corn, or Corn looſe or in the Straw, or Hay lying or being in any Barn or Granary, or upon any Hovel, Stack or Rick, or otherwiſe upon any Part of the Land or Pound charged with ſuch Rent, and to lock up or detain the ſame in the Place where the ſame ſhall be found for or in the nature of a Diſtreſs, until the ſame ſhall be Replevied upon ſuch Security to be given as aforeſaid; and in Default of Replevying the ſame, as aforeſaid, within the Time aforeſaid, to ſell the ſame after ſuch Appraiſement thereof to be made; ſo as nevertheleſs ſuch Corn, Grain or Hay ſo Diſtrained, as aforeſaid, be not remov'd by the Perſon or Perſons Diſtraining to the Damage of the Owner thereof, out of the Place where the ſame ſhall be found and ſeized, but be kept there (as Impounded) until the ſame ſhall be Replevied, or ſold in Default of Replevying the ſame within the Time aforeſaid.

And

And be it *further* Enacted *by the Authority aforeſaid*, That upon any Pound-Breach, or Reſcues of Goods or Chattels diſtrained for Rent, the Perſon or Perſons grieved thereby, ſhall in a ſpecial Action upon the Caſe for the Wrong thereby ſuſtained, recover his and their Treble Damages and Coſts of Suit againſt the Offender or Offenders in any ſuch Reſcues or Pound-Breach, any or either of them, or againſt the Owners of the Goods Diſtrained, in Caſe the ſame be afterwards found to have come to his Uſe or Poſſeſſion.

Provided always, and be it further Enacted, That in Caſe any ſuch Diſtreſs and Sale, as aforeſaid, ſhall be made by Virtue or Colour of this preſent Act for Rent, pretended to be in Arrear and Due, where in Truth no Rent is arrear or due to the Perſon or Perſons Diſtraining, or to him or them in whoſe Name or Names, or Right, ſuch Diſtreſs ſhall be taken, as aforeſaid, that then the Owner of ſuch Goods or Chattels Diſtrained and Sold, as aforeſaid, his Executors or Adminiſtrators, ſhall and may by Action of Treſpaſs, or upon the Caſe, to be brought againſt the Perſon or Perſons ſo diſtraining, any or either of them, his or their Executors or Adminiſtrators, Recover double of the Value of the Goods or Chattels ſo Diſtrained and Sold, together with full Coſts of Suit. [ 2. *W. & M.* ]

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## CHAP. CCXI.

*An Act for the better Security of Rents and to prevent Frauds committed by Tenants.*

FOR the more eaſie and effectual Recovery of Rents reſerved on Leaſes for Life or Lives, Term of Years, at Will, or otherwiſe: Be it Enacted by the Queen's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in Parliament aſſembled, and by Authority of the ſame, That from and after the Firſt Day of *May*, which ſhall be in the Year of our Lord, 1710, no Goods or Chattels whatſoever, lying or being in or upon any Meſſuage, Lands, or Tenements, which are or ſhall be Leaſed for Life or Lives, Term of Years, at Will, or otherwiſe, ſhall be liable to be taken by Virtue of any Execution on any Pretence whatſoever, unleſs the Party at whoſe Suit the ſaid Execution is ſued out, ſhall, before the Removal of

ſuch Goods from off the ſaid Premiſſes, by Virtue of ſuch Execution or Extent, pay to the Landlord of the ſaid Premiſſes, or his Bailiff, all ſuch Sum or Sums of Money as are or ſhall be due for Rent for the ſaid Premiſſes at the time of the taking ſuch Goods or Chattels by Virtue of ſuch Execution: Provided the ſaid Arrears of Rent do not amount to more than One Year's Rent, and in caſe the ſaid Arrears ſhall exceed One Year's Rent, then the ſaid Party, at whoſe Suit ſuch Execution is ſued out, paying the ſaid Landlord, or his Bailiff, One Year's Rent, may proceed to execute his Judgment as he might have done before the making of this Act; And the Sheriff or other Officer is hereby Impowered and Required to levy and pay to the Plaintiff as well the Money ſo paid for Rent, as the Execution-Money.

*And be it further Enacted by the Authority aforeſaid*, That in Caſe any Leſſee for Life or Lives, Term of Years, at Will, or otherwiſe, of any Meſſuages, Lands, or Tenements, upon the Demiſe whereof any Rents are or ſhall be reſerved or made payable, ſhall, from and after the ſaid Firſt Day of *May*, fraudulently or clandeſtinely convey or carry off or from ſuch Demiſed Premiſſes his Goods or Chattels, with Intent to prevent the Landlord or Leſſor from Diſtraining the ſame for Arrears of ſuch Rent ſo reſerved, as aforeſaid, it ſhall and may be Lawful to and for ſuch Leſſor or Landlord, or any Perſon or Perſons by him for that Purpoſe Lawfully impowered, within the Space of Five Days next enſuing ſuch Conveying away or carrying off ſuch Goods or Chattels, as aforeſaid, to take and ſeize ſuch Goods and Chattels wherever the ſame ſhall be found, as a Diſtreſs for the ſaid Arrears of ſuch Rent; and the ſame to ſell or otherwiſe diſpoſe of, in ſuch manner, as if the ſaid Goods and Chattels had actually been Diſtrained by ſuch Leſſor or Landlord, in and upon ſuch Demiſed Premiſſes for ſuch Arrears of Rent; Any Law, Cuſtom or Uſage to the contrary in any wiſe notwithſtanding.

Provided nevertheleſs, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to impower ſuch Leſſor or Landlord to take or ſeize any Goods or Chattels as a Diſtreſs for Arrears of Rent, which ſhall be ſold *Bona Fide*, and for a valuable Conſideration, before ſuch Seizure made; Any thing herein contained to the contrary notwithſtanding.

And whereas no Action of Debt lies againſt a Tenant for Life or Lives, for any Arrears of Rent, during the Continuance of ſuch Eſtate

Eſtate for Life or Lives, *Be it Enacted by the Authority aforeſaid*, that from and after the ſaid firſt Day of *May*, it ſhall and may be lawful for any Perſon or Perſons, having any Rent in Arrear, or due upon any Leaſe or Demiſe for Life or Lives, to bring an Action or Actions of Debt for ſuch *Arrears of Rent*, in the ſame manner as they might have done, in caſe ſuch Rent were due, and reſerved upon a Leaſe for Years.

*And it is hereby further Enacted and Declared by the Authority aforeſaid*, That all Diſtreſſes hereby impowered to be made, as aforeſaid, ſhall be liable to ſuch Sales, and in ſuch Manner, and the Monies ariſing by ſuch Sales to be diſtributed in like Manner as by an Act made in the Second Year of the Reign of their late Majeſties King *William* and Queen *Mary*, Intituled, *An Act for enabling the Sale of Goods diſtrained for Rent, in Caſe the Rent be not paid in reaſonable Time*, is in that Behalf directed and appointed.

Alſo whereas Tenants *pur autur vie* and Leſſees for Years, or at Will, frequently hold over the Tenements to them Demiſed, after the Determination of ſuch Leaſes: And whereas after the Determination of ſuch, or any other Leaſes, no Diſtreſs can by Law be made for any *Arrears of Rent* that grew due on ſuch reſpective Leaſes before the Determination thereof; It is hereby further Enacted *by the Authority aforeſaid*, That from and after the ſaid Firſt Day of *May*, 1710, it ſhall and may be lawful for any Perſon or Perſons, having any *Rent in Arrear*, or due upon any Leaſe for Life or Lives, or for Years, or at Will, ended or determined, to Diſtrain for ſuch *Arrears*, after the Determination of the ſaid reſpective Leaſes, in the ſame manner as they might have done, if ſuch Leaſe or Leaſes had not been ended or determined.

Provided, That ſuch *Diſtreſs* be made within the Space of Six Calendar Months after the Determination of ſuch Leaſe, and during the Continuance of ſuch Landlord's Title or Intereſt, and during the Poſſeſſion of the Tenant from whom ſuch *Arrears* became due.

Provided always, and it is hereby Enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to lett, hinder, or prejudice her Majeſty, her Heirs, or Succeſſors, in the Levying, Recovering, or Seizing any *Debts*, *Fines*, *Penalties* or *Forfeitures*, that are or ſhall be due, payable, or anſwerable to her *Majeſty*, her *Heirs*, or *Succeſſors*; but that it ſhall and may be lawful for her *Majeſty*, her *Heirs*, and *Succeſſors*, to levy, recover, and ſeize ſuch Debts, Fines, Penalties and Forfeitures, in the ſame

Manner

Manner as if this Act had never been made; Any thing in this Act contained to the contrary thereof in any wiſe notwithſtanding. [8. Q. *A.*]

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## CHAP. CCXII.

### *Inteſtates.*

ENacted, That all *Ordinaries* as well as *Judges* of the *Prerogative Courts*, have Power to grant Adminiſtrations and take Bonds. *Ordinaries* have Power to call Adminiſtrators to Account, and to make Juſt and Equal Diſtributions of what remains clear among the Wife and Children of the Inteſtate, or Childrens Children, if any ſuch be; otherwiſe to the next of Kindred to the Dead Perſon, in equal Degree; One Third to the Wife of the Inteſtate, and all the Reſidue by equal Portions to and among his Children, or ſuch Perſons as Legally repreſent ſuch Children, if they are dead; other then ſuch Child or Children (not being Heir at Law) who ſhall have any Eſtate by Settlement of the Inteſtate, or ſhall be advanced by the Inteſtate in his Life Time by Portion or Portions, equal to the Share which ſhall by ſuch Diſtribution be allotted to the other Children; and if ſuch ſhall be advanced by the Inteſtate in his Life Time, by Portion not equal to the Share which will be due to the other Children, by ſuch Diſtribution as aforeſaid, then ſo much of the Surpluſage of the Diſtribution to ſuch Child or Children, as may make the Eſtate of all the Children equal, as near as can be eſtimated.

But the Heir at Law, notwithſtanding any Land that he ſhall have by Deſcent or otherwiſe, from the Inteſtate, ſhall have an equal Share with the reſt of the Children in the Diſtribution.

And in caſe there be no Children, nor any Legal Repreſentatives of them, then one Moiety to the Wife of the Inteſtate, and

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the reſt to every of the next Kindred of the Inteſtate, who are equal in Degree, or thoſe who Legally repreſent them, Provided, there be Repreſentation admitted among Collaterals after Brothers and Siſters Children; and in-caſe there be no Wife, then equally amongſt the Children; But if no Child, then to the next of Kindred, of equal Degree, of or unto the Inteſtate, or their Legal Repreſentatives as aforeſaid.

*The Diſtribution after the Inteſtates Death.* If Debts ſhall afterwards appear, then all to refund equally towards their Payment. [ 22. & 23. *Car.* 2. ]

*Enacted*, That no Adminiſtrators ſhall be cited to any Court to render an Account of the perſonal Eſtate of the Inteſtate, otherwiſe than by an *Inventory* or *Inventories* thereof, unleſs it be at the Inſtance and Proſecution of ſome Perſon in the Behalf of a Minor, or having Demand out of ſuch Eſtate as a Creditor, or next a Kin; Nor compellable to account before any of the *Ordinaries* or *Judges* impowerd by the Act to take the ſame, otherwiſe than is aforeſaid. And if after the Death of a Father, any of his Children ſhall dye Inteſtate ( without Wife or Children ) in the Life Time of the Mother, then every Brother and Siſter, and the Repreſentatives of them, ſhall have an equal Share with the Mother.

A *Nuncupative Will* muſt be committed into Writing within Five Days, [ but better if within 24 Hours ] after Death; and atteſted by Three Witneſſes at leaſt. [ 1. *Jac*, 2. ]

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## CHAP. CCXIII.

### *Limitations.*

ALL Actions upon the Caſe ( other than for Slander ) Actions for Accompt ( other than ſuch as concern Merchandize ) Actions of Treſpaſs, Debt, Detinue, Trover and Replevin, ſhall be commenc'd within Six Years after the Cauſe of ſuch Actions or Suit, and not after. All

All Actions of Aſſault, Battery, Wounding and Impriſonment, ſhall be commenced within Four Years after the Cauſe of Suit, and not after. All Actions upon the Caſe for Words, ſhall be commenced within Two Years after the Words ſpoken, and not after. [21. K. J. C. 16.]

## CHAP. CCXIV.

### Oaths of Allegiance.

I A. B. *do ſincerely promiſe and ſwear, That I will be Faithful, and bear true Allegiance to his Majeſty King* George. So help me God.

I A. B. *do ſwear, That I do from my Heart abhor, deteſt, and abjure, as Impious and Heretical, that Damnable Doctrine and Poſition, That Princes Excommnnicated or deprived by the* Pope, *may be depoſed or murdered by their Subjects, or any other Perſons whatſoever: And I do declare, That no Foreign Prince, Perſon, Prelate, State or Potentate, hath, or ought to have, any Juriſdiction, Power, Superiority, Pre-eminence or Authority, Eccleſiaſtical or Spiritual, within this Realm.* So help me God.

I A. B. *do truly and ſincerely acknowledge, profeſs, teſtifie, and declare in my Conſcience, before God and the World, That our Sovereign Lord King* George, *is Lawful and Rightful King of this Realm, and all other his Majeſties Dominions and Countries thereunto belonging: And I do ſolemnly and ſincerely declare. That I do believe in my Conſcience, That the Perſon pretended to be Prince of* Wales, *during the Life of the late King* James, *and ſince his Deceaſe taking upon himſelf the Stile and Title of King of* England, *by the Name of* James *the Third, or of* Scotland, *by the Name of* James *the Eighth, or Stile or Title of King of* Great Britain *hath not any Right or Title whatſoever to the Crown of this Realm, or any other the Dominions thereunto belonging: And I do renounce, refuſe*

ENACTED, That all Mixed Medley Cloth ſhall be Wet and Meaſured by Two indifferent Perſons; if they diſagree, it muſt be Meaſured by a Third Perſon, who muſt be Sworn before a Juſtice of the Peace.

The Mill-Man that ſhall refuſe to be Sworn, or fix a Seal before it is carryed from the Mill, or any Perſon that ſhall take off ſuch Seal, or counterfeit, deface, or alter ſuch Seal, ſhall forfeit Twenty Pounds. If the Length of the Cloth ſhall not agree with the Seal, the Clothier ſhall forfeit the Sixth Part of the Value of the Cloth. Every Clothier, Cloth-Worker, Card-Maker, or any other Perſon concerned in the Woollen Manufacture, ſhall pay in Money to every Perſon employed, or concerned in the Woollen Manufacture, for Work to be done in relation thereto; and ſhall not in Lieu of Payment in Money, impoſe upon, or deliver to them, any Sort of Goods or Wares whatſoever for ſuch Work, upon the Forfeiture of Forty Shillings for every ſuch Offence, to be recovered as herein expreſt; *viz.* ſhall be heard and determined by One, or more, Juſtice or Juſtices of the Peace, not being concerned in the Complaint: Being convicted by One or more Credible Witneſs or Witneſſes, to be levyed by Warrant under the Hands and Seals of ſuch Juſtice or Juſtices, by Diſtreſs and Sale of the Offenders Goods, if he ſhall not pay it within Thirty Days next after Demand, for the Uſe of the Poor of the Pariſh where the Offence ſhall be committed, after Charges of Conviction firſt deducted, returning the Overplus: For Want of ſufficient Diſtreſs, to commit the Offender to the Common Goal or Houſe of Correction, there to be kept to hard Labour for Three Kalendar Months. To be proſecuted within Forty Days next after the Offence.

Perſon grieved, by the Juſtices Order, may appeal to the next Quarter Seſſions, whoſe Order ſhall be final, and allow Coſts.

[*M. K. G.* 1.]

## *Exchequer Bills*, &c.

FOrging Exchequer Bills, Felony without Clergy, and forging any Deed, *Idem*. Perjury or Subornation, beſides the Penalties of the Laws in Force, the Offender ſhall, by the Judge before whom Convicted, be ſent to the Houſe of Correction for Seven

Years, there to be kept to hard Labour, or transported into *America* for Seven Years. Making, forging, or countrfeiting any Deed, Will, Teſtament, Bond, Writing, Obligatory Bill of Exchange, Promiſſary Note for Payment of Money, Indorſement or Aſſignment of any Bill of Exchange, or promiſſary Note for Payment of, or any Acquittance or Receipt, or aſſiſt therein, ſhall be Guilty of Felony without Clergy. To ſteal Bonds, Bills, or promiſſary Notes, Felony without Clergy.

## *Bribery in Elections.*

ELectors to take the Oath following: *I A: B. do Swear* [or if a *Quaker*, do affirm] *I have not received or had my ſelf, or any other Perſon whatſoever, in Truſt for my Uſe and Benefit, directly or indirectly, any Sum or Sums of Money, Office, Place, or Employment, Gift or Reward, or any Promiſe or Security for any Money, Office, Imployment or Gift, in Order to give my Vote at this Election; and that I have not Poled before at this Election.* So help me God.

Sheriff that ſuffers any Perſon to Pole before Sworn, forfeits 100 *l.* Votes to be Legal which were ſo declared by the laſt Houſe of Commons. Officers or Electors who perjure, ſhall ſuffer the Pains and Penalties of willful Perjury; and being Convicted thereof, ſhall never be capable to Vote. Perſons taking Money, or any Reward, ſhall forfeit 500 *l.* and be diſabled to Vote in any Election. Offenders diſcovering others in 12 Months Time, ſhall be Indemnified. This Act ſhall be read by the *Sherriff* after his opening the Writ, and Yearly at *Eaſter* Quarter-Seſſions, by the Juſtices. Penalties recover'd by this Act, is by Action in any *Court of Record*; Proſecution within Two Years.

## *Compound WATERS.*

TO pay 5 *s. per* Gallon after the 25th Day of *December*, *Anno Dom.* 1729. The Act of the 12th of *Charles* the II. to be in Force to levy theſe Duties. Compound *Diſtillers* to enter their Stills at the next Office, before the 25th of *December*, *Anno Dom.* 1729, under the Penalty of 20 *l.* Concealing Liquors forfeit 40 *s.* a Gallon. Retailers of ſuch Waters ſhall pay 20 *l.* for a Licenſe, to be renewed every Year. This Act ſhall not extend to *Phyſicians*, *Surgeons*, or *Chymiſts*, uſed by them in preparing their Medicines, not to *Arrack*.

*Clerks*

*Clerks* and *Apprentices* are to pay the Duties for their Indentures on or before the 24th of *June*, 1729, or cause their Indentures to be ſtampt on or before the 29th of *September* following.

## *INSOLVENTS.*

NOt to effect an Eſtate in Expectancy. Rent due from a Priſoner to be transferr'd to the Landlord, not exceeding one Year's. Not to extend to Mortgages. Debtors having ſerved an Apprenticeſhip, or employed in any Trade or Sea-ſervice, being gone to Sea on the Firſt Day of *February*, 1728, may ſurrender themſelves and have the Benefit of this Act. Goalers forſwearing themſelves, ſhall forfeit 500 *l.* And inſerting wrong Names in their Liſts, forfeit 200 l. Priſoner forſwearing himſelf *Felony*. Diſcharge of a Priſoner not to acquit any other Perſon. Judgments to ſtand good againſt his Lands. Goalers making falſe Entries, ſhall forfeit 1000 *l.* Debtors in Goal, only for Fees diſcharged. Not to diſcharge any Perſon being out of Priſon, who is Indebted to the Crown, or indebted to One Perſon 500 *l.* beſides Intereſt and Coſts. Creditor that ſhall oppoſe the Diſcharge of his Priſoner, that ows him 500 *l.* or more, ſhall allow him 3 *s.* 6 *d.* a Week, and upon Non-payment of the ſame for ſix Weeks, the Priſoner ſhall be diſcharged at *Quarter-Seſſions*. Aſſignees may appoint two Juſtices to examine and diſcover their Eſtates. Priſoners Diſcharge obtain'd Fraudulently ſhall be Void.

Perſons felonioufly ſtricken on Sea, and die in *England*; or Perſons felonioufly ſtriken in *England* and die on Sea, in either of the ſaid Caſes, an Indictment found by the Jurors of the County in which ſuch Death-Stroke, or Poyſoning ſhall happen, ſhall be good againſt Principals and Acceſſaries.

### *As to Impriſonment of Debtors.*

NO *Sherriffs* or *Bailiffs* ſhall carry any Perſon they Arreſt to any Houſe, without the voluntary Conſent of the Party Arreſted, nor charge him for any Liquor, or any thing but what he calls for, nor take any Sum of Money than what is allowed of by Law, nor exact any Gratuity for keeping out of Goal, or for a Night's Lodging or Diet, then what is reaſonable to be allowed of by Juſtices at *Quarter-Seſſions*. — Sherriffs to give Copies to their Bailiffs. Goalers to permit Priſoners to ſend for Victuals where they pleaſe, and

and to ſuffer them to uſe what Bedding or Linnen they think fit, without purloyning or detaining the ſame. Tables to be made of Pens, and hung up in every Goal. Priſoners in any Goal from and after the 29th of *September*, 1728, may deliver up their Effects to their Creditors; and Creditors to be ſummoned. Priſoners Eſtates may be aſſign'd to their *Creditors*. If *Creditors* are diſſatisfy'd, may cauſe *Priſoners* to remain in *Priſon*, but pay the Priſoner 2 *s.* 4 *d.* a Week. Upon Failure of Payment thereof for one Week, the *Priſoner* to be diſcharged by *Quarter Seſſions*. Priſoners perjured, ſhall be ſubject to all the Pains and Penalties of *Perjury*, and be lyable to be taken by any Proceſs *De Novo*.

If the Effects ſhall not ſatisfie the Full Debts, there ſhall be an Abatement in proportion. Mutual Debts to be ſet one againſt the other. This Act to continue for Five Years, and to the End of the next Seſſion of Parliament.

Sheriff, Under-Sheriff, Bailiff, or Serjeant at Mace, or any other Officer aforeſaid offending againſt this Act, ſhall forfeit 50 *l.* beſides all other Penalties, to be Recover'd by Action in any Court of Record at *Weſtminſter*.

After the 1ſt of *December*, 1730, no Perſon ſhall be permitted to be an *Attorney*, or *Sollicitor*, unleſs he ſhall take the following Oath, to be Inroll'd.

I A. B. *do Swear, That I will truly and honeſtly demean my ſelf in the Practice of an Attorney, according to the beſt of my Knowledge and Ability. So help me God.*

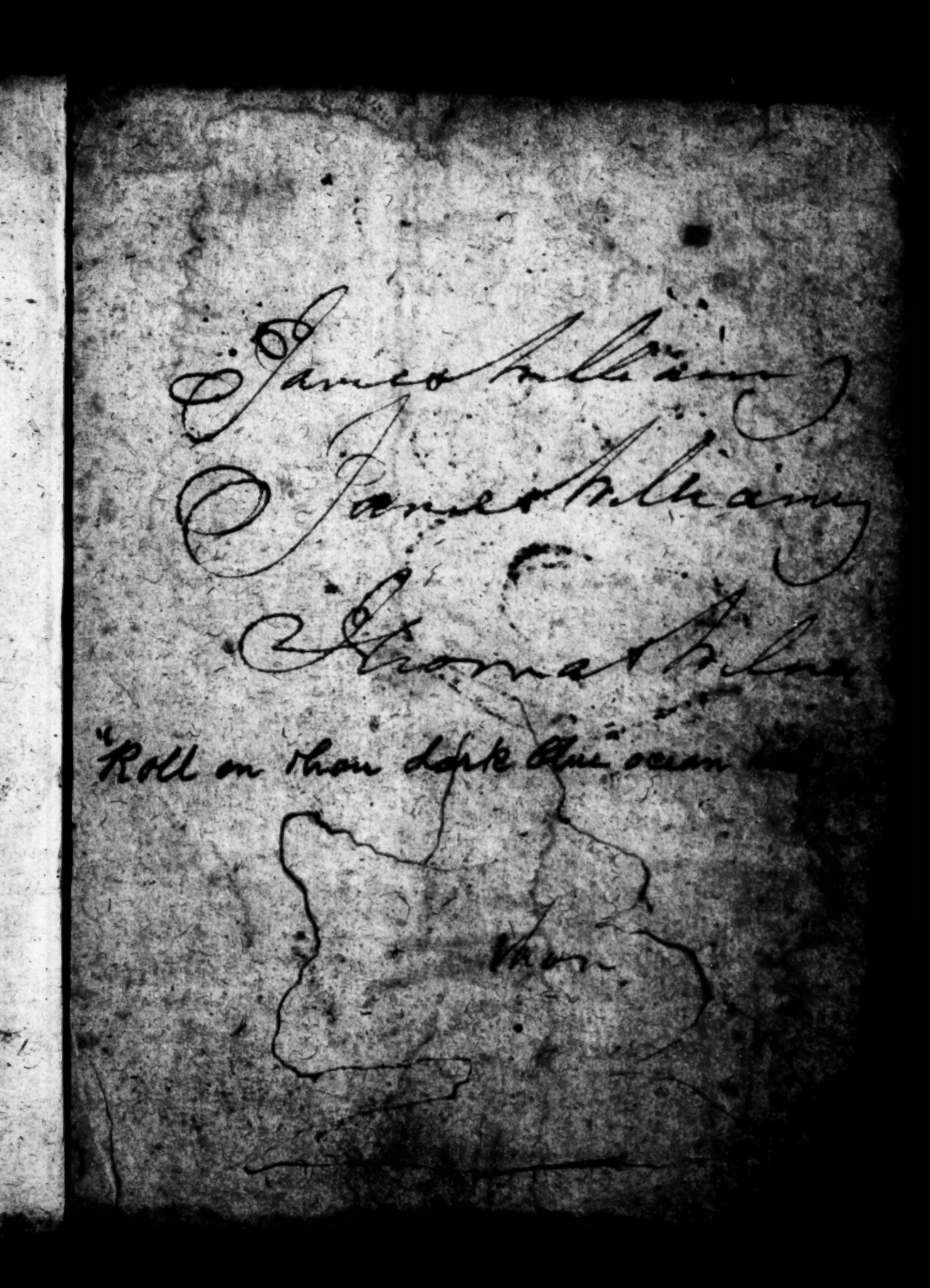
No Attorney to have more than Two Clerks. Judges to examine his Capacity before Admiſſion, nor to act unleſs he hath ſerved a Clerkſhip; and Admitted. Judges not to Swear any greater Number than what have been formerly Sworn'd. Clerk, put his Maſter's Bills of their Maſters, may be turn'd over. *Attorneys* not to commence an Action for Fees, until One Month after Delivery of their Bills. Judges to refer Bills to be Taxt, without Money being brought into the Court. This Act to continue Nine Years.

33. of *Henry* 8, againſt *Unlawful Games* made perpetual. The Offenders, by the Oaths of Two Credible Witneſſes, before One or more Juſtice or Juſtices of the Peace, ſhall by him or them be ſent to Priſon, there to continue until he [illegible] into Recognizance not to play at ſuch Games any more.

[illegible] Brandy, by any Diſtiller [illegible] to be Licenſed as Ale-Houſes, [illegible] by the Laws againſt Ale-Houſes.

[illegible] the 24th of *June*, 1729, ſhall be granted to any Ale-[illegible] but at a General Meeting on the 1ſt of *September* following, [illegible] Days after, or at any other General Meeting by the acting [illegible] All Licenſes otherwiſe granted ſhall be Void.

[illegible] C.



This book was bought at Mr Suppes
in Church Stretton at the Sale house
the year 1854. This was written in
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March 3rd 1879 15
Church Stretton Sale

4½ J. M.